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TO

Punjab Government Gazette

FOR HALF YEAR ENDING

30th June 1923.

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TO

Punjab Government Gazette

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31st December 1923.

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The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JANUARY 12, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, DECEMBER 30, 1922.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Delhi, the 28th December 1922.

No. F.-848.—In continuation of the Home Department notification No. F.-531-II-Ests., dated the 28th June 1922, it is announced, for general information, that 9 appointments will be made to the Indian Civil Service as a result of the competitive examination to be held at Allahabad in January 1923.

J. CRERAR,

Secretary to the Government of India.

FINANCE DEPARTMENT.

RESOLUTION.

PAY AND ALLOWANCES, ETC.

COMPENSATION.

The 19th December 1922.

No. 2660-F. E.—With reference to paragraph 3 of the Government of India, Finance Department, Resolution No. 1559-E. A., dated the 16th August 1921, and paragraph 4 of Resolution No. 591-F. E., dated the 29th March 1922, the Governor-General in Council

1662 PGG.

is pleased to declare, with the approval of the Secretary of State for India, that the personal allowance referred to therein shall be treated as "personal pay" for the purposes of calculating leave salary, but not for pension.

ORDERED that the Resolution be published in the *Gazette of India*.

G. G. SIM,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA" DELHI, SATURDAY, JANUARY 6, 1923.

HOME DEPARTMENT.

NOTIFICATION.

JUDICIAL.

Delhi, the 29th December 1922.

No. F.-70.—The following revised rules made by the Secretary of State for India in Council on the 17th October 1922 (with the exception of the note to Rule 24 which has been subsequently made), consolidating and amending the rules fixing the salaries, allowances, furloughs, retiring pensions and (where necessary) expenses for equipment and voyage of the Chief Justices and other Judges of the several Indian High Courts, are published for general information :—

INDIAN HIGH COURTS.

Rules fixing the Salaries, Allowances, Furloughs, Retiring Pensions and (where necessary) Expenses for Equipment and Voyage of the Chief Justices and other Judges.

1. In these rules, unless there is something repugnant in the subject or context :—

"Acting Chief Justice" means a Judge appointed under section 105 of Statute 5 and 6 Geo. V., cap. 61, to perform the duties of Chief Justice of a High Court.

"Acting Judge" means a person appointed under the said section 105 to act as a Judge of a High Court.

"Additional Judge" means a person appointed by the Governor-General of India in Council under section 101, sub-section 2 (1), of Statute 5 and 6 Geo. V., cap. 61, to act as Additional Judge of a High Court.

"Judge" includes a Chief Justice and Acting Chief Justice, and an Acting Judge and an Additional Judge, except where the contrary is expressed.

"Actual Service" includes—

(*a*) time spent by a Judge on duty as Judge or in the performance of such other functions as he may be directed to discharge by the Governor-General of India in Council ;

(*b*) duly authorised vacations (provided that the Judge is not absent on furlough or on leave granted under Rule 20).

"Service for pension" includes—

(*a*) actual service ;

(*b*) time spent by a Judge on privilege leave under the rules in force prior to the date on which these rules come into force, *plus* one month or the period actually taken, whichever is less, of each period of leave on full allowances taken under these rules, *plus* all time spent on subsidiary leave.

Section I.—Salaries.

2. The Chief Justice or Acting Chief Justice of the High Court at Calcutta shall be paid a salary at the rate of Rs. 72,000 per annum for the period spent on actual service.

3. The Chief Justice, or Acting Chief Justice of the High Courts at Madras, Bombay, Allahabad, Patna, Lahore and Rangoon, respectively, shall be paid a salary at the rate of Rs. 60,000 per annum for the period spent on actual service.

4. A Judge, or Acting Judge of the High Courts at Calcutta, Madras, Bombay, Allahabad, Patna, Lahore and Rangoon, respectively, shall be paid a salary at the rate of Rs. 48,000 per annum for the period spent on actual service.

Note to Rules 2 to 4.—A person who as Chief Justice or Judge draw exchange compensation allowance before such allowance was withdrawn from public servants generally will be granted when and for so long as he holds the same post or a similar post on the same salary compensatory allowance equal in amount to the exchange compensation allowance for which he would from time to time have been eligible had the allowance not been withdrawn.

Section II.—Leave.

5. Subject to the conditions prescribed in Rule 10, furlough granted to a Judge may be, at the Judge's option, either—

(*a*) leave on full allowances, or

(*b*) leave on half allowances, or

(*c*) partly leave on full allowances and partly leave on half allowances.

6. A furlough account shall be maintained for each Judge.

7. (*a*) In the furlough account of a Judge who is already serving as a Judge when these rules come into force shall be credited—

(*i*) a period equal to double the period of privilege leave during which he would, if he had taken privilege leave on the date on which these rules come into force, have been eligible, under the rules previously in force, to draw salary ; *plus*

(*ii*) the furlough standing at his credit on that date under those rules ; *plus*

(*iii*) one-fourth of the period spent by him on actual service subsequent to that date ; *plus*

(*iv*) a period equal to double the period by which the vacation enjoyed by him in any year subsequent to that date falls short of one month by reason of his having been detained on duty as Vacation Judge.

(*b*) In the furlough account of a Judge who when he is appointed to the High Court becomes subject to these rules shall be credited—

(*i*) one-fourth of the period spent by him on actual service ; *plus*

(*ii*) a period equal to double the period by which the vacation enjoyed by him in any year falls short of one month by reason of his having been detained on duty as Vacation Judge ; *plus*

(*iii*) if he was already in the service of Government at the time of being so appointed and had due to him at that time, under the rules applicable to the branch of the service to which he belonged, leave on half average pay, a period not exceeding the amount of leave so due to him and also not exceeding one year.

8. The amount of furlough debited against a Judge's furlough account shall be the actual period of furlough taken subsequent to the date on which these rules come into force. In computing this period, leave on full allowances shall be treated as equivalent to double the amount of furlough.

9. The amount of furlough due to a Judge is the balance of furlough at his credit in his furlough account.

10. Furlough due to a Judge may be granted to him subject to the following restrictions :—

(*a*) The aggregate amount of furlough granted to him during his whole period of service as Judge shall not exceed three years, *plus* the aggregate of the periods, if any, credited to his account under Rule 7, sub-rule (*a*), clauses (*i*) and (*iv*), or Rule 7, sub-rule (*b*), clause (*ii*). In computing the amount of furlough taken, leave on full allowances shall be treated as equivalent to double the amount of furlough.

(*b*) The aggregate amount of leave on full allowances granted to him, including the furlough on double allowances granted under the rules previously in force, during his whole period of service as a Judge shall not exceed either —

(*i*) one-half of the period, if any, credited to his account under Rule 7, sub-rule (*a*), clauses (*i*) and (*iv*), or Rule 7, sub-rule (*b*), clause (*ii*) ; *plus* one year ; *minus* the aggregate of the periods, if any, of commuted furlough or of leave on average pay subject to a maximum taken by him under the rules applicable to the branch of the service to which he belonged prior to his appointment as a Judge, or

(*ii*) one-twenty-fourth of the period spent by him on actual service, *plus* one-half of the periods, if any, credited to his account under Rule 7, sub-rule (*a*), clauses (*i*) and (*iv*), or Rule 7, sub-rule (*b*), clauses (*ii*) and (*iii*).

(*c*) The maximum period of leave on full allowances granted at any one time shall be five months.

(d) The maximum period of furlough granted at any one time shall be 16 months. In computing this period, leave on full allowances shall be treated as equivalent to an equal amount of furlough.

11. On condition that the maximum limit prescribed in Rule 10, clause (a), is not exceeded, leave on half allowances may be granted to a Judge to whom it is not due—

(a) on medical certificate, or

(b) otherwise than on medical certificate, for not more than six months and not more than once during the whole period of his service as a Judge.

12. A Judge on leave in Europe must, if the leave was granted or has been extended on a medical certificate, satisfy the Medical Board at the India Office as to his fitness to return to duty. Ordinarily, he must attend at the India Office for examination by the Board, but, in special cases, particularly if he be residing at a distance of more than 60 miles from London, a certificate from two medical practitioners, in a form to be obtained from the High Commissioner for India, may be accepted. On the required evidence of fitness being furnished, the Judge will receive from the High Commissioner permission to return to India. The authority granting the leave may require a similar certificate in the case of any Judge who takes leave in any locality for reasons of health, even though such leave is not actually granted on a medical certificate.

13. Furlough taken in India shall be reckoned from the date on which the Judge quits his office to the date of his resuming duty. Furlough taken out of India shall be reckoned from the date of embarkation at the port of departure from India to the date of debarkation on return to India, except in a case falling under Rule 17.

14. If furlough be taken partly in India and partly out of India, the commencement and termination of the furlough shall be respectively determined under the provisions of Rule 13 according as the furlough begins or ends in or out of India.

15. For the interval between the date of quitting his office and the commencement of furlough out of India and between the termination of furlough out of India and resuming his office, a Judge may be allowed a subsidiary leave not ordinarily exceeding 30 days, which in special cases may be extended.

16. A Judge, when on furlough or subsidiary leave, shall receive allowances at the monthly rates shown in the following table :—

——	When resident in Asia during furlough.	When resident outside Asia during furlough.
	Rs.	£
Leave on half allowances	1,110	111
Leave on full allowances	2,220	222
Subsidiary leave	1,110	...

NOTE.—For the first month of any period of leave on full allowances in lieu of the allowances in the above table a Judge may draw his salary.

17. A Judge may be allowed to combine vacation on full salary with furlough as shown in (A) and (B) below, provided that no acting Judge is appointed or additional expense is incurred by the State in consequence of his absence during the vacation :—

(A) Where the vacation of the High Court consists of one period, a Judge may be allowed to combine vacation on full salary with furlough, either at the beginning or end thereof, but not both.

(B) Where the annual long vacation is not continuous, but is divided into two separate portions, a Judge may be allowed either—

(a) to combine one part of a vacation on full salary with furlough, either at the beginning or end thereof, but not both ; or,

(b) to combine both parts of one annual vacation on full salary with furlough for the intervening period.

18. Except under medical certificate, the number of furloughs to be grated at any one time and the grant of furlough to individual Judges shall be subject to and limited by the exigencies of the service, which exigencies shall be determined exclusively by the authority with whom rests the question of granting the furlough.

19. Applications for furlough not supported by medical certificate shall be granted usually in the following order :—

The Judge who has the greatest amount of furlough due to him under Rule 9 shall have the preference. If two or more applicants are on an equality in this respect, preference shall be given to the applicant whose actual service in a

High Court is longest, reckoning, in the case of a Judge who has not taken furlough or leave granted under Rule 20 from the date of the commencement of his service in the High Court, and in the case of a Judge who has taken furlough, subsidiary leave or leave granted under Rule 20 from the date of his last return from such furlough or leave. If two or more applicants are equal in both the above-mentioned respects, the preference shall be given to the senior in the Court.

20. If the Government in its discretion deems it necessary, in any special instance, to grant to any Judge leave of absence for which no express provision is made in the foregoing rules, the Judge shall be entitled to draw no salary or allowances during such leave. Such leave shall in no case exceed six months and shall not be granted more than once during the whole period of the Judge's service as a Judge.

21. Applications for leave shall in all cases be submitted and returns to duty, whether from leave or vacation, shall in all cases be reported in such manner as the Government shall from time to time prescribe.

22. No substantive appointment shall be vacated merely by reason of leave being granted under these rules.

23. If a Judge overstays any leave or any vacation whether combined with furlough or not, he shall forfeit all salary during the time of his remaining so absent; and if he overstays his leave or vacation for more than one week, his office shall be liable to be declared vacant; provided that if the overstayal is due to circumstances beyond his control the period of overstayal may, at the discretion of the authority with whom rests the question of granting furlough, be treated as furlough and be debited to his furlough account under Rule 8. A Judge on leave or vacation is not obliged to return to duty, on an authorised holiday, unless another officer is officiating as Judge in consequence of his absence.

Section III.—Pensions.

24. Subject to the proviso hereinafter set out, a Judge of a High Court shall receive, according to the length of his service for pension, a pension corresponding to the rates specified in the table that follows :—

Length of service for pension.	IF SERVICE INCLUDES SERVICE AS CHIEF JUSTICE.					Judge who is not a member of the Indian Civil Service.	Judge who is a member of the Indian Civil Service.
	Not less than 5½ years.		Not less than 2½ years but less than 5½ years.				
	As Chief Justice, Calcutta High Court.	As Chief Justice in any other High Court.	As Chief Justice, Calcutta High Court (when previous service has been as Chief Justice in other High Courts).	As Chief Justice, Calcutta High Court (when previous service has been as Puisne Judge).	As Chief Justice in any other High Courts.		
1	2	3	4	5	6	7	8
	£	£	£	£	£	£	£
(a) 6½ years but less than 8½ years.	900	750	800	700	650	600	100
(b) 8½ years but less than 10 years.	1,075	900	960	840	780	720	120
(c) 10 years but less than 11½ years.	1,450	1,200	1,280	1,120	1,040	960	160
(d) 11½ years and over	1,800	1,500	1,600	1,400	1,300	1,200	200

Provided that no Judge shall receive such pension who has not attained the age of 60 years, unless he either retires on medical certificate or has had a service for pension of at least 11½ years.

NOTE.—Pensions paid in India will be issued in rupees and converted at the rate of exchange declared to exist on the date on which payment falls due; provided that pensioners of the following classes may, at their option, convert their pensions into rupees at the rate of 1s. 4d. to the rupee, so long as they continue to reside in India :—

(i) Pensioners resident in India who were on 1st February 1921 in receipt of pensions converted at that rate.

(ii) Pensioners of Indian domicile who were on 1st February 1921 temporarily drawing their pensions in sterling.

(iii) Pensioners of Indian domicile who were in Government service on 1st February 1921.

25. Except in the case of a member of the Indian Civil Service, who may draw the pension shown in column 8 of the table in Rule 24 in addition to the pension for which he is eligible under the ordinary rules relating to that service, a Judge receiving a pension under Rule 24 will not be entitled to any other pension or retiring allowance.

26. When a Judge, who at the time of his appointment to a High Court was a member of one of the Government Services in India, is permitted to retire without a pension under the preceding rules, he shall receive such a pension as he might receive under the rules applicable to the Branch of the Service to which he belonged when so appointed, reckoning the period of his service as a Judge of a High Court towards service for that pension.

27. If a Judge who, at the time of his appointment to a High Court, was a member of one of the Government Services in India, is permitted to retire after six years and nine months of service for pension as Judge, he shall have the option of taking his pension or retiring allowance either under these rules or under the rules applicable to the Branch of the Service to which he belonged when appointed.

28. The words "a member of one of the Government Services in India" in Rules 26 and 27 include an acting member, and for the purpose of these rules acting service in the appointment held at the time of appointment as a Judge of the High Court shall be regarded as substantive.

29. In the event of the appointment to be a Judge of a High Court of a retired Judge who is in receipt of a pension under the preceding rules, the Secretary of State in Council shall decide in each case whether his salary shall be reduced by the amount of such pension, or by any part of such amount.

30. No Judge, selected from the Indian Civil Service, shall receive any pension under these rules unless he shall have fully complied with all the rules and regulations in force for the time being as to payments to be made by him as a member of the Indian Civil Service on account of the provision for pension to his wife and children.

31. If a Judge is transferred from one High Court to another, the period he has served in each Court shall count towards his qualification for pension.

32. A Judge appointed under Statute 5 and 6 Geo. V., Chapter 61, section 105, to perform the duties of Chief Justice is not a Chief Justice within the meaning of these rules as to pension; provided that, if such Judge be afterwards appointed to be a Chief Justice, the period during which he performed the duties of Chief Justice as aforesaid shall count as service for pension according to the table in Rule 24; provided also that the period during which a Judge performs (under Statute 5 and 6 Geo. V., Chapter 16, section 105) the duties of Chief Justice of the High Court at Calcutta shall not count towards pension at a rate exceeding 1,500*l*. a year unless such Judge is subsequently appointed to the office of Chief Justice of the said High Court at Calcutta.

33. The above rules shall apply to every Judge now holding office, as well as to those who may be hereafter appointed.

Section IV.—Expenses for Equipment and Voyage.

34. For the purpose of defraying the expenses of equipment and voyage from Europe on first appointment, there shall be allowed—

To a Chief Justice or Judge of any High Court, 300*l*.

But no such allowance shall be made to any person who, being in India, is appointed to the office of Chief Justice or Judge, or who, having been in India, is in Europe at the time of his appointment with the intention of returning to India.

H. TONKINSON,

Joint Secretary to the Government of India.

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PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, JANUARY 19, 1923.

PART II.
Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, DECEMBER 23, 1922.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Delhi, the 21st December 1922.

No. 146.—In pursuance of entry 51 in Part II of Schedule I to the Devolution Rules, the Governor-General in Council is pleased to declare that in every province having a Legislative Council the preparation, publication and distribution of the provincial code constitute a matter of a merely local nature.

H. MONCRIEFF SMITH,
Secretary to the Government of India.

HOME DEPARTMENT.

RESOLUTION.

JAILS.

The 19th December 1922.

No. F.-6.—In the Home Department letter No. 13, dated the 14th January 1921, the attention of local Governments and Administrations was invited to the recommendations of the Indian Jails Committee on the subject of prison labour and manufactures contained in chapter IX of their Report. Their replies have now been received and considered by the Government of India.

2. In the present Resolution the Government of India propose to deal with the most important recommendation of the Committee contained in this chapter of their Report, *viz.*, the use of power-driven machinery in jails, which involves a departure from the policy of

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the Government of India as laid down in the Home Department Resolution No. 10-605-18 dated the 7th May 1886, and in the Home Department letter No. 151-160, dated the 10th August 1906, and which is admittedly at variance with the recommendations contained in paragraphs 215 and 216 of the report of the Indian Industrial Commission of 1916-18 In paragraph 6 of the Home Department letter, dated the 14th January 1921, referred to above, it was stated that the Government of India were inclined to accept the conclusions arrived at by the Conference of Provincial Directors of Industries held in Cawnpore in November 1920 on the Committee's recommendations, but desired to have the opinions of local Governments before arriving at a final decision in the matter. At that Conference the Committee's recommendations were generally accepted but it was considered desirable that the Inspector-General of Prisons should consult the Provincial Director of Industries before the introduction of any new industry into a jail. The replies received denote that there is general agreement amongst local Governments, with the exception of Burma, in accepting the conclusions of the Cawnpore Conference, that provinces are already considering schemes for increasing manufactures in jails, and that there is already co-ordination between the Jails and the Industries Departments. The Governor-General in Council has now decided, with the approval of the Secretary of State for India, to cancel the orders on the subject contained in the Home Department Resolution No. 10-605-18, dated the 7th May 1886, and in the Home Department letter No. 145-154, dated the 29th April 1912, as he considers that the existing restrictions on the use of power-driven machinery should be relaxed and that it may be employed in well-established industries, care being taken to avoid interference with nascent or unorganised industrial enterprise, though he is disposed to think that the apprehension of the possible competition of jails with established industries is more imaginary than real. His Excellency in Council wishes, however, to empahsize that the introduction of this policy must be conditional on consultation and co-ordination between the Jail and the Industries Departments of local Governments. In view of the necessity for fixing the price of jail-made articles according to the ordinary market rate for such articles, co-operation between the Jails and Industries Departments should, therefore, include consultation of the latter by the former on the prices to be fixed for jail products. As conditions in Burma appear to differ from those obtaining in India, His Excellency in Council does not wish to urge the immediate adoption of this policy upon the Government of Burma, but at the same time he trusts that Government will not fail to adopt it as soon as the cirumstances of the province justify this course.

ORDER.—Ordered that this Resolution be communicated to all local Governments and Administrations for information and guidance, also to the Department of Industries for information. Ordered also that the Resolution be published in the *Gazette of India*.

J. CRERAR,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

AGRICULTURE.

Delhi, the 18th December 1922.

No. 1062-240.—In exercise of the powers conferred by sub-section (1) of section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Governor-General in Council is pleased to direct that the following proviso be added to Rule 4 of the Rules published with the notification of the Government of India in the Department of Revenue and Agriculture, No. 580-240, dated the 26th June 1922 :—

"Provided that potatoes may be imported from Italy if they are accompanied by a certificate of immunity from disease granted by a Royal Phytopathological Institute in Italy."

J. HULLAH,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE.

NOTIFICATION.

STAMPS.

The 23rd December 1922.

No. 6733.—In exercise of the powers conferred by the Indian Stamp Act, 1899 (II of 1899), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Indian Stamp Rules, 1914, namely :—

After rule 13 of the said rules, the following rule shall be inserted, namely :—

"13-A. Notwithstanding anything contained in these rules whenever the stamp duty payable under the Act in respect of any instrument cannot be paid exactly by reason of the

fact that the necessary stamps are not in circulation, the amount by which the payment of duty shall on that account be in defect shall be made up by the affixing of one-anna and half-anna adhesive stamps."

D. T. CHADWICK,

Secretary to the Government of India.

☞ Please *substitute* for pages 9—12 of the *Punjab Gazette*, dated January 19th, 1923, Part II.

ARTMENT.

N.

Delhi, the 15th December 1922.

No. 31.—The services of Mr. R. C. R. Wilson, Executive Engineer, are replaced at the disposal of the Government of the Punjab with effect from the 9th December 1922.

S. D'A. CROOKSHANK, COLONEL,

Secretary to the Government of India.

DEPARTMENT OF EDUCATION AND HEALTH.

NOTIFICATIONS.

MEDICAL.

The 15th December 1922.

No. 803.—Colonel R. Heard, M.D., V.H.S., I.M.S., is appointed to be Inspector-General of Civil Hospitals, Punjab, with effect from the 21st November 1922, until further orders.

The 20th December 1922.

No. 827.—In modification of this Department Notification No. 725, dated the 22nd November 1922, Lieutenant-Colonel H. Halliday, M.B., I.M.S., Civil Surgeon, Simla (West), is granted leave on average pay for three months, with effect from the afternoon of the 18th November 1922.

M. S. D. BUTLER,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DELHI, SATURDAY, DECEMBER 23, 1922.

No. 1414-C.S.R.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

Delhi, the 20th December 1922.

RESOLUTION.

The Secretary of State in Council has been pleased to approve, under Section 96-B. of the Government of India Act, the amendment of Fundamental Rule 81 by the omission from the third sub-paragraph of sub-clause (*ii*) of clause (*b*) of the words "*plus* one year." As the inclusion of these words may have influenced the acceptance of the new rules by officers subject to the ordinary leave rules, it has been decided to give such officers the option of electing within three months from the date of this resolution to revert to the rules by which they were previously governed. Leave on average pay already granted in excess of the amount which will be admissible under the rule as now amended is allowed to stand.

ORDERED that the Resolution be published in the Supplement to the *Gazette of India.*

G. G. SIM,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA" EXTRAORDINARY, DELHI, MONDAY, JANUARY 1, 1923.

FOREIGN AND POLITICAL DEPARTMENT.

ORDER OF THE INDIAN EMPIRE.

NOTIFICATION.

Delhi, the 1st January 1923.

No. 1-I.E.—His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that His Imperial Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to make the following promotions in, and appointments to, the said Order :—

To be Knights Commanders.

Major Nawab Malik KHUDA BAKHSH KHAN, Tiwana, C.I.E., O.B.E., Extra Judicial Assistant Commissioner in the Punjab, and Revenue Member, Council of Regency, Baháwalpur State, Punjab.

To be Companions.

ALEXANDER SHIRLEY MONTGOMERY, Esquire, Chief Engineer and Secretary to Government, Punjab, Public Works Department, Buildings and Roads Branch.

The REVEREND CANON EDWARD GUILFORD, O.B.E., Church Missionary Society, Tarn Taran, Amritsar District, Punjab.

Captain ALBERT GOTTLEIB PUECH, O.B.E., V.D., late Assistant Recruiting Officer, Meerut and Delhi Divisions, and Hissar and Gurgaon Districts, United Provinces and Punjab.

J. P. THOMPSON,

Secretary to the Most Eminent Order of the Indian Empire.

FOREIGN AND POLITICAL DEPARTMENT.

ORDER OF THE BRITISH EMPIRE.

NOTIFICATION.

Delhi, the 1st January 1923.

No. 1-Gen.—His Imperial Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to give orders for the following promotions in, and appointments to, the Most Excellent Order of the British Empire :—

To be Commanders.

CIVIL DIVISION.

HERBERT WILLIAM EMERSON, Esquire, Deputy Commissioner of Multan.

VALENTINE PATRICK TERRELL VIVIAN, Esquire, O.B.E., Punjab Police.

To be Officers.

CIVIL DIVISION.

Major MICHAEL COURTNEY, I.S.O., Indian Medical Department, Superintendent, Central Jail, Montgomery, Punjab.

Khan Bahadur MOHAMED ABDUL RAHMAN KHAN, Commanding Baháwalpur State Forces, Baháwalpur, Punjab.

RONALD SINCLAIR, Esquire, M.B.E., Punjab Police.

J. P. THOMPSON,

Political Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT.

KNIGHTHOOD.

NOTIFICATION.

Delhi, the 1st January 1923.

No. 2-Gen.—His Imperial Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to confer the honour of Knighthood on—

Doctor SHEIKH MUHAMMAD IKBAL, Barrister, Lahore, Punjab.

J. P. THOMPSON,

Political Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT.

KAISAR-I-HIND MEDAL.

NOTIFICATIONS.

Delhi, the 1st January 1923.

No. 3-Gen.—His Excellency the Viceroy and Governor-General is pleased to announce that His Imperial Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to award the Kaisar-i-Hind Medal of the First Class for Public Service in India to—

The Reverend WILLIAM SCOTT, Scotch Mission, Sialkot, Punjab.

No. 4-Gen.—His Excellency the Viceroy and Governor-General is pleased to award the Kaisar-i-Hind Medal of the Second Class for Public Service in India to—

The Reverend WILLIAM JOHN McKEE, Principal of the Mission School, Moga, Ferozepore District, Punjab.

Miss KATHERINE MABEL SMITH, Provincial Superintendent, Lady Minto Nursing Association, Punjab.

Bhai GANGA SINGH, Zaildar and Manager of the Khalsa High School, Bandala, Jullundur District, Punjab.

J. P. THOMPSON,

Political Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATIONS.

Delhi, the 1st January 1923.

No. 12-Gen.—His Excellency the Viceroy and Governor-General is pleased to confer upon Maulvi Mir Hassan, Professor of Arabic, Murray College, Sialkot, Punjab, the title of Shams-ul-Ulama, as a personal distinction.

No. 16-Gen.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Sardar Bahadur, as a personal distinction, upon—

Sardar Sahib Sardar Bishan Singh, B.A., I.E.S., Inspector of Schools, Punjab.

Sardar Sahib Sardar Shamsher Singh, Rais and Jagirdar of Mianpur, Ambala District, Punjab.

No. 17-Gen.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Bahadur, as a personal distinction, upon—

Khan Sahib Maulvi Abdur Rahim, Honorary Magistrate, Ludhiána, Punjab.

Mian Muhammad Said, Officiating Superintendent of Police, Punjab.

Khan Sahib Malik Itabar Khan, of Khunda, Attock District, Punjab.

No. 18-Gen.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Bahadur, as a personal distinction, upon—

Lala Ram Rakha, Executive Engineer, Public Works Department, Irrigation Branch, Punjab.

Seth Prabbu Dyal, M.B.E., B.A., LL.B., Banker, Mill-Owner and Pleader, Multan, Punjab.

Rai Sahib Lala Panna Lal, M.L.C., Rais and Honorary Magistrate, Ambala, Punjab.

Rai Sahib Durga Das, Officiating Director of Police, Kapurthala, Punjab States.

No. 21-Gen.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Sardar Sahib, as a personal distinction, upon—

Bhai Uttam Singh, of Sahuke, Honorary Magistrate, Ferozepore District, Punjab.

Sardar Kapur Singh, Pleader, Jullundur, Punjab.

Bhai Kalyan Singh, Honorary Magistrate and Vice-President of the Municipal Committee of Dinga, Gujrat District, Punjab.

No. 22-Gen.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Sahib, as a personal distinction, upon—

Ghulam Hussain Khan, Inspector of Police, Punjab.

Fazl Imam, Inspector of Police, Punjab.

Mehr Abadan, Zamindar of Dasua, Lyallpur District, Punjab.
Mian Iqbal Hussain, Executive Engineer, Public Works Department, Irrigation Branch, Punjab.
Sheikh Muhammad Naki, Honorary Magistrate, Lahore, Punjab.
Munshi Kifayat Ali, Tahsildar (Retired), Punjab.

No. 23 Gen.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Sahib, as a personal distinction, upon—

Lala Shankar Das, Luthera, Extra Assistant Commissioner, Punjab.
Lala Shibbu Mal, Extra Judicial Assistant Commissioner, Punjab.
Chaudhri Daswandi Ram, of Tandi, Jullundur District, Punjab.
Lala Gokal Chand, Jailer, Lyallpur Jail, Punjab.
Mehta Jamna Dass, Vaid, Jailer of the Central Jail, Multan, Punjab.
Lala Amar Nath, M.B.E., M.A., LL.B., Extra Assistant Commissioner, Punjab.
Seth Madan Gopal, Honorary Magistrate and Senior Vice-President, Municipal Committeee of Fazilka, Ferozepore District, Punjab.
Lala Madho Ram, Chief Secretary to the Chamba Darbar, Punjab States.

J. P. THOMPSON,

Political Secretary to the Government of India.

HOME DEPARTMENT.

KING'S POLICE MEDAL.

NOTIFICATION.

(POLICE.)

Delhi, the 1st January 1923.

No. F.-45—IV.—His Majesty the KING, EMPEROR OF INDIA, has been pleased to confer the King's Police Medal, and in one case a bar to the medal previously awarded, on the following officers and men of the Indian Police establishments :—

Name of officer and rank.	Statement of services for which in particular the decoration has been conferred.
	PUNJAB.
Abdul Karim, Head Constable, Lahore.	The officer, then a constable, was on plain clothes duty outside the Lahore Central Jail when a serious riot occurred among the prisoners, who swarmed into the main gateway attempting to break open the gates and escape. The Jail sentry and the Superintendent of the Jail exhausted their ammunition in trying to check the convicts who succeeded in breaking the lock of the outer wicket. None had yet come out but they were attacking the door leading to the armoury, when the Head Constable seized a shot gun from a bystander and, with the permission of the Superintendent, opened fire. He drove the convicts out of the gateway and then followed them into the jail, thereby regaining control and saving a very serious situation.
Khaliq Dad Khan, Inspector of Police, Lahore.	This officer, then a Sub-Inspector, was with the Revenue Assistant at Lulliani in the Lahore District on the 30th October 1921, when news was received that a noted dacoit and proclaimed offender named Sulakhan Singh had been seen near by. The Revenue Assistant with the Inspector and others immediately galloped to the place and got in touch with Sulakhan Singh and two of his associates. These latter were mounted and dashed off. A pursuit of 30 miles across country followed. The Inspector then came across three exhausted horses and began a search. While he was doing so, Sulakhan Singh suddenly leaped out of some bushes twelve yards away and fired three revolver shots at the Inspector, missing him but killing his horse. He then ran off and hid in some fields. In the search which followed Sulakhan Singh again dashed out brandishing his wea-

Name of officer and rank.	Statement of services for which in particular the decoration has been conferred.

PUNJAB—*concld.*

	pon but was wounded by the Inspector with a shot gun. He then hid in a ditch and was taking aim again at the Inspector when some zamindars tackled him from behind, and the Inspector dashing forward wrenched the revolver from his hand.
	The endurance and pluck displayed in this long pursuit and capture of an armed and desperate man by an elderly officer with over 31 years' service was a fine example to all ranks of the force.
Ghulam Muhammad, Head Constable, Lahore.	This Head Constable was patrolling in Kasur City on the night of the 12th February 1922 with some constables when a suspicious looking man, mounted on a horse, was seen and promptly challenged. On this, the horseman tried to turn and run but the Head Constable seized his bridle. The man then fired twice, wounding the Head Constable severely; but the latter held on and tried to pull him out of the saddle. A constable, who came to the rescue, was also fired at, but with his help the rider was unhorsed and secured. He proved to be a notorious criminal, with at least one murder to his name and for whose arrest a heavy reward had been offered.
Maula Bakhsh, Foot Constable, Government Railway Police. Nawab Din, Foot Constable, Government Railway Police.	At 3-30 A.M. on the 2nd July 1922, the goods shed at Ferozepore City was raided by an armed gang of about 15 dacoits, who removed several sacks of cotton seed, etc., from the premises. Foot Constable Maula Bakhsh armed with a musket and Foot Constable Nawab Din, who was unarmed, were patrolling the yard at the time. They challenged the dacoits who however, continued to remove property from the shed. Accompanied by a chowkidar, the two policemen advanced on the dacoits. The latter then attacked the constables, whereupon Maula Bakhsh fired his musket and shot the leader of the gang, wounding him in the heart. The dacoits then attempted to carry off their dying leader in order to frustrate identification. Maula Bakhsh and the other constable, accompanied by the chowkidar, followed in order to secure the body of the dacoit leader. About 200 yards from the spot the dacoits deposited their chief, who by this time was dead, on the ground and stood over the body facing the constables. The latter advanced and Maula Bakhsh, who by this time had reloaded his musket, fired another buck-shot cartridge which appears to have wounded at least one of the remaining dacoits, who then took to their heels. The courage and determination of this small police party of three men, armed only with one musket, in repelling the raid and finally in following up and wresting the body of the chief dacoit from an armed gang of violent criminals is worthy of the highest praise. The initiative throughout appears to have been taken by Constable Maula Bakhsh who was staunchly supported by his two companions.
	Foot Constable Nawab Din, though unarmed, assisted his fellow constable throughout in a time of great danger.

J. CRERAR,

Offg. Secretary to the Government of India.

1747 PGG—871—19-1-23—SGPP Lahore

PUNJAB—concld.

... [illegible] but was wounded by the Inspector with a shot gun. He then hid in a ditch and was taking aim against the Inspector when some constables tackled him from behind and the Inspector dashing forward wrenched the revolver from his hand.

The courage and pluck displayed in this long pursuit and capture of an armed and desperate man by ... officers ... [illegible] ... example to all ranks of the force.

Ghulam Muhammad, Head Constable, Lahore. — This Head Constable was patrolling in [illegible] City on the night of the 12th February 192[illegible], with some constables ... [illegible] ... mounted on a horse, was ... and promptly challenged. On this, the horseman ... Head Constable seized his bridle. The man then fired twice, wounding the Head Constable ... but the latter held on and tried to pull him off the saddle. A constable, who ... [illegible] ... was also fired at, but with his help the rider was unhorsed and secured. He proved to be a notorious criminal, ... [illegible] ... one for whose arrest a heavy reward had been offered.

Maula Bakhsh, Foot Constable, Government Railway Police.

Nawab Din, Foot Constable, Government Railway Police. — At [illegible] on the 2nd July 192[illegible], the goods shed at ... [illegible] ... was raided by an armed gang of about ... dacoits, who removed several bales of cotton ... from the ... Foot Constable Maula Bakhsh armed with a musket and Foot Constable Nawab Din, who was unarmed, were patrolling the yard at the time. They challenged the dacoits who, however, continued to remove property from the shed. Accompanied by a chaukidar, the two policemen advanced on the dacoits. The latter then attacked the constables, whereupon Maula Bakhsh fired his musket and shot the leader of the gang, wounding him in the head. The dacoits then attempted to carry off their dying leader in order to frustrate identification. Maula Bakhsh and the other constable, accompanied by the chaukidar, followed in order to secure the body of the dacoit leader. About [illegible] yards ... the dacoits ... their chief, who by ... [illegible] ... the ground and stood over the body ... [illegible]. The latter advanced and Maula Bakhsh, who by this time had reloaded his musket, ... [illegible] ... which ... at least one of the remaining dacoits, who then took to their heels. The courage and determination of this small police party of three men, armed only with one musket, in repelling the raid and finally in ... the body of the chief ... from an armed gang of violent criminals is worthy of the highest praise. The initiative throughout ... to have been taken by Constable Maula Bakhsh who was staunchly supported by his two companions.

Foot Constable Nawab Din though unarmed, assisted his fellow constable throughout in a time of great danger.

J. C[illegible]RAE,

Deputy Secretary to the Government of India.

Registered No. L. 864.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JANUARY 26, 1923.

PART II.

Republications from the "Gazette of India.

FROM THE GAZETTE OF INDIA, DELHI, SATURDAY, JANUARY 20, 1923.

FINANCE DEPARTMENT.

RESOLUTION.

ACCOUNTS AND FINANCE.

MISCELLANEOUS

Delhi, the 18th January 1923.

No. 83-F.—The Government of India have had under their consideration the question of changing the date of the commencement of the Indian financial year from the 1st April to the 1st November or 1st January. The matter has been raised on more than one occasion and notably by the Royal Commission on Indian Finance and Currency of 1913, the main object in view in advocating a change being that it would facilitate more accurate budgeting.

2. The opinions of the Provincial Governments and the Chambers of Commerce were invited on the proposal, in a circular letter, which was also published in the Press. The replies show that the Provincial Governments are unanimously of opinion that the disadvantages which would result from the change would outweigh the advantages, while opinion among the commercial bodies is divided. After considering the matter in all its bearings, the Government of India have now decided to drop the proposal for a change.

ORDERED that a copy of the Resolution be published in the *Gazette of India.*

E. M. COOK,

Secretary to the Government of India.

1790 PGG.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

POST OFFICE.

Delhi, the 20th January 1923.

No. 97-P. W.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that, with effect from the 1st February 1923, the following further amendments shall be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry No. 2883-45, dated the 26th April 1913, namely :—

1. For rule 48 of the said rules, the following shall be substituted, namely :—

"48. Insurance shall cover all risks in course of transmission by post."

2. In rule 49 of the said rules, the words "The further fees in the case of partially insured articles shall be at only half the above rates" shall be omitted.

3. In the second proviso to rule 56 of the said rules, clause *(g)*, shall be omitted.

No. 122-P. W.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry No. 2883-45, dated the 26th April 1913, namely :—

In the proviso to rule 110 of the said rules, for the words "and execute jointly with him" the words "by executing" shall be substituted.

S. D'A. CROOKSHANK, *Colonel,*

Secretary to the Government of India.

DEPARTMENT OF COMMERCE.

NOTIFICATION.

CUSTOMS DUTIES.

Delhi, the 20th January 1923.

No. 503.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the bringing by sea, or by land, into British India of any copy of the publication entitled "Indian Independence" edited by K. Ram and published at Berlin.

D. T. CHADWICK,

Secretary to the Government of India.

1790 PGG—871—26-1-23—SGPP Lahore.

Registered No. L. 864.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, FEBRUARY 9, 1923.

PART II.

Republications from the "Gazette of India.

FROM THE "GAZETTE OF INDIA" DELHI, SATURDAY, JANUARY 27, 1923.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

TELEGRAPHS.

Delhi, the 27th January 1923.

No. 164-P. W.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that the following further amendment shall be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry No. 6975-137, dated the 16th September 1909, namely :—

In rule 3 of the said rules, the words "provided the attention of the closed office or offices concerned can be gained" shall be omitted.

S. D'A. CROOKSHANK, *Colonel*,

Secretary to the Government of India.

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DEPARTMENT OF COMMERCE.

NOTIFICATION.

FOREIGN TRADE.

Delhi, the 26th January 1923.

No. 659.—In exercise of the powers conferred by clause 1 of the Order of the King's Most Excellent Majesty in Council, dated the 13th August 1920, the Governor General in Council, with the approval of the Right Honourable the Secretary of State for India in Council, is pleased to appoint Mr. Dadiba Merwanjee Dalal, C.I.E., a Member of the Council of His Majesty's Secretary of State for India, to be High Commissioner for India in the United Kingdom, with effect from the date on which he assumes charge of the office in London. Mr. J. W. Bhore, C.B.E., I.C.S., will continue to act as High Commissioner till he is relieved by Mr. Dalal.

D. T. CHADWICK,

Secretary to the Government of India.

1898 PGG—871—8-2-23—SGPP Lahore.

Registered No. L. 864.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, FEBRUARY 16, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, FEBRUARY 3, 1923.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

ENGINEER ESTABLISHMENT.

Delhi, the 1st February 1923.

No. 4—Mr. R. T. Jones, M.C., Executive Engineer, Punjab, is appointed as Executive Engineer, Simla Imperial East Division, with effect from the 13th January 1923.

POST OFFICE.

The 3rd February 1923.

No. 189-P.W.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that the following further amendment shall be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry No. 2883-45, dated the 26th April 1913, namely :—

In rule 67 of the said rules after sub-rule (3) the following shall be inserted, namely :—

"(4) If a foreign registered letter containing coin, bullion, precious stones, jewellery, or articles of gold and silver, is received from a foreign country, plainly superscribed "Dutiable : subject to Customs examination in India" and accompanied by an invoice giving an accurate statement of the value of the contents, it shall be treated as an article insured for its inland transit within the limits of British India, and shall be delivered to the addressee on payment of an insurance fee calculated, in the manner prescribed in sub-rule (1), on the value of the contents assessed by the Customs Authorities : Provided that if the value of the contents exceeds the maximum limit of value for which inland letters may be insured, the article shall be insured only for such maximum."

S. D'A. CROOKSHANK, *Colonel,*

Secretary to the Government of India.

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FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, FEBRUARY 10, 1923.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Delhi, the 6th February 1923.

No. F.-1207.—In exercise of the powers conferred by section 45-A, read with section 129-A, of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to direct that the following further amendments shall be made in the Devolution Rules, namely :—

In paragraph 1 of Schedule III to the said rules—

(*a*) in clause (1) for the words " attached to " the words " drawn by the incumbent of " shall be substituted ;

(*b*) in clause (3), after the words " temporary post " where they occur for the second time, the words " or deputation " shall be inserted ; and

(*c*) in clause (4)—

(*i*) for the word " officer " the words " Government servant or to the family or other dependants of any deceased Government servant " shall be substituted ; and

(*ii*) after the word " Act " the following shall be inserted, namely :—

" except in the following cases :—

(*a*) compassionate gratuities to the families of Government servants left in indigent circumstances subject to such annual limit as the Secretary of State in Council may prescribe ; and

(*b*) pensions or gratuities to Government servants wounded or otherwise injured while employed in Government service or to the families of Government servants dying as the result of wounds or injuries sustained while employed in such service, granted in accordance with such rules as have been or may be laid down by the Secretary of State in Council in this behalf ".

H. TONKINSON,

Joint Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

POST OFFICE.

Delhi, the 3rd February 1923.

No. 225-P.W.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that the following further amendment shall be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry, No. 2883-45, dated the 26th April 1913, namely :—

In rule 70 of the said rules for the words " *United Kingdom.*—Registered parcels " the words " *United Kingdom and Iraq.*—Registered parcels " shall be substituted.

S. D'A. CROOKSHANK, *Colonel,*

Secretary to the Government of India.

Registered No. L. 864.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, MARCH 2, 1923.

PART II.
Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, FEBRUARY 17, 1923.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATIONS.

EMIGRATION.

Delhi, the 17th February 1923.

No. 136-Emi.—In exercise of the powers conferred by section 10 of the Indian Emigration Act, 1922 (VII of 1922), hereinafter referred to as "the Act" the Governor-General in Council is pleased to issue the following Notification in the form in which it has been approved by both Chambers of the Indian Legislature :—

"Emigration to Ceylon for the purpose of unskilled work shall be lawful on the following terms and conditions, namely : –

(1) The emigrant shall—

(*a*) have been recruited by a person licensed for that purpose by and responsible to an officer (hereinafter called the Emigration Commissioner) appointed by the Government of Ceylon, or

(*b*) have applied direct to the Emigration Commissioner for an assisted passage and have been accepted by him.

(2) The emigrant shall not, before leaving British India, have entered into a contrac of service for a period exceeding one month.

(3) Within six months from the issue of this Notification, or within such further period as the Governor-General in Council may by notification appoint, the Legislature of Ceylon shall have enacted that any contract of service for a period exceeding one month entered into by an emigrant shall be void.

(4) No part of the cost of his recruitment, subsistence during transport, or transport shall be recoverable from any emigrant and all expenses in this connection shall be defrayed from a common fund to be raised in such manner and managed by such agency as may appear suitable to the Colonial Government.

(5) The Government of Ceylon shall at any time when so desired by the Governor-General in Council admit and give all facilities to an Agent appointed under section 7 of the Act.

2036 PGO

(6) Within one year of his arrival in Ceylon any emigrant who has been assisted to emigrate at the cost of the common fund referred to in clause (4) shall, on satisfying the Agent appointed under section 7 of the Act that his return to his home is desirable either on the ground of the state of his health or on the ground that the work which he is required to do is unsuitable to his capacity, or that he has been unjustly treated by his employer, or for any other sufficient reason, be repatriated free of cost to the place of recruitment, and the costs of such repatriation shall be defrayed by the Government of Ceylon or the Ceylon Planters' Association.

(7) If at any time there is no Agent appointed under section 7 of the Act, the Government of Ceylon shall appoint a person to perform the duties of the Agent as set forth in clause (6).

(8) Within six months from the issue of this Notification, or within such further period as the Governor-General in Council may by notification appoint, the Legislature of Ceylon shall have enacted that no payment made in India by a recruiter to an emigrant to enable him to pay off debts before emigrating shall be recoverable.

(9) The Government of Ceylon shall furnish such periodical reports and returns as may be required from time to time by the Government of India in respect of the welfare of persons emigrating to Ceylon in accordance with this Notification."

No. 137-Emi.—In exercise of the powers conferred by section 10 of the Indian Emigration Act, 1922 (VII of 1922), hereinafter referred to as "the Act", the Governor-General in Council is pleased to issue the following Notification in the form in which it has been approved by both Chambers of the Indian Legislature:—

Emigration to the Straits Settlements, the Federated Malay States of Perak, Selangor, Negri-Sembilan and Pahang and to the Unfederated Malay States of Kedah, Perlis, Johore, Kalantan, Trengganu and Brunei for the purpose of unskilled work shall be lawful on the following terms and conditions, namely:—

(1) The emigrant shall—

(a) have been recruited by a person licensed for that purpose by and responsible to an officer (hereinafter called the Emigration Commissioner) appointed by the Government of the Straits Settlements and by the Governments of the Federated and Unfederated Malay States, or

(b) have applied direct to the Emigration Commissioner for an assisted passage and have been accepted by him.

(2) The emigrant shall not before leaving British India, have entered into any engagement to labour for a period exceeding one month.

(3) Engagements to labour entered into by an emigrant in Malaya for a period exceeding one month shall be void.

(4) The Government / Governments of the Straits Settlements / Federated and Unfederated Malay States shall at any time when so desired by the Governor-General in Council admit and give all facilities to an Agent appointed under section 7 of the Act.

(5) Within one year of his arrival in the Colony any emigrant who has been assisted to emigrate at the cost of the Indian Immigration Fund shall, on satisfying the Agent appointed under section 7 of the Act that his return to his home is desirable either on the ground of the state of his health or on the ground that the work which he is required to do is unsuitable to his capacity, or that he has been unjustly treated by his employer or for any other sufficient reason, be repatriated free of cost to the place of recruitment and the costs of such repatriation shall be defrayed by the Government of the Straits Settlements. / Federated Malay States and Unfederated Malay States.

(6) If at any time there is no Agent appointed under section 7 of the Act, the Government / Governments of the Straits Settlements / Federated and Unfederated Malay States shall appoint a person to perform the duties of the Agent as set forth in clause (5).

(7) There shall be no evasion of the provisions of the Act by the conveyance through foreign ports in the Peninsula of India of persons who would be emigrants for the purpose of unskilled work if they departed from British ports.

(8) The Government of the Straits Settlements / Federated and Unfederated Malay States shall furnish such periodical reports and returns as may be required from time to time by the Government of India in respect of the welfare of the persons emigrating to the colony in accordance with this Notification.

J. HULLAH,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

POST OFFICE.

Delhi, the 17th February 1923.

No. 282-P. W.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the rules and orders published with the notification of the Government of India in the Department of Commerce and Industry No. 2883-45, dated the 26th April 1913, namely :—

In clause (*a*) of sub-rule (1) of rule 18 of the said rules, the words "Such registration shall cease to have effect at the close of the calendar year following that in which it was effected and must be renewed if a continuance of the privilege conferred by the system beyond that time is desired" and the word "first" shall be omitted.

S. D'A. CROOKSHANK, *Colonel,*
Secretary to the Government of India.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

NOTIFICATION.

Delhi, the 15th February 1923.

No. 494-T.-21.—In exercise of the powers conferred by sub-section (1) of section 47 of the Indian Railways Act, 1890 (IX of 1890), read with the notification of the Government of India in the Department of Commerce and Industry, No. 891, dated the 24th March 1905, the Railway Board direct that the following amendments shall with reference to all Railways administered by the Government be made in Part II of the rules published with their Notification No. 183, dated the 8th September 1906, namely :—

Rule 42 of the rules in the said Part shall be re-numbered 42 (1) and after the sub-rule as so re-numbered the following shall be inserted, namely :—

"(2) The holding of political meetings is prohibited on any part of the railway premises, and a railway administration may exclude from the station platform or any other part of the railway premises any person attending such meeting whether such person is or is not in possession of a ticket authorising him to be on the said premises."

S. C. TOMKINS,
Secretary, Railway Board.

DEPARTMENT OF INDUSTRIES.

NOTIFICATION.

Delhi, the 16th February 1923.

No. M.-977.—The following draft of a further amendment in the Indian Explosives Rules, 1914, which it is proposed to make in exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), is published, as required by section 18 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 16th April 1923. Any objection or suggestion which may be received in respect of the said draft before the date specified will be considered by the Governor-General in Council :—

Draft amendment.

In Schedule III to the said rules, Column 5 of Form A and Column 4 of Form B shall be omitted and Column 6 in Form A and Column 5 in Form B shall be re-numbered 5 and 4 respectively.

A. H. LEY,
Secretary to the Government of India.

DEPARTMENT OF COMMERCE.

NOTIFICATIONS.

CUSTOMS DUTIES.

Delhi, the 15th February 1923.

No. 1042.—In exercise of the powers conferred by section 3 of the Indian Tariff Act, 1894 (VIII of 1894), the Governor-General in Council is pleased to make the following amendment in entry No. 94 of Schedule II appended to the Notification of the Government of India in this Department No. 6705, dated the 23rd December 1922 :—

For

94	PAPER AND ARTICLES MADE OF PAPER AND PAPIER MACHE, PASTEBOARD, MILLBOARD, AND CARDBOARD, all sorts, and STATIONERY, including ruled or printed forms and account and manuscript books, drawing and copy books, labels, advertising circulars, sheet or card almanacs and calendars, Christmas, Easter, and other cards, including cards in booklet form, including also wastepaper and old newspaper for packing except old newspapers in bales and bags, but excluding trade catalogues and advertising circulars imported by packet, book, or parcel post (*see* No. 93) and also excluding the descriptions given below :—	...	*Ad valorem*	15 per cent.
			R. A. P.	
	Old newspapers in bales and bags ...	cwt.	8 8 0	15 " "
	News printing paper ...	lb.	0 3 3	15 " "
	Printing paper—			
	Flints ...	"	0 14 0	15 " "
	Real Art ...	"	0 9 0	15 " "
	Imitation Art, machine finish, super calendered, ivory finish, account book (printing, antique, stereo, litho, poster, cartridge, cover paper and machine glazed pressings.	"	0 6 0	15 " "
	Other sorts, including coated papers ...	...	*Ad valorem*	15 " "
	Packing and wrapping paper—			
	Nature brown, Manilla machine-glazed and unglazed, sulphite envelope, kraft and imitation kraft.	lb.	0 4 0	15 " "
	Tissues, white and coloured ...	"	0 9 0	15 " "
	Writing paper—			
	Bond, bank, loan, cream laid and wove and also white and coloured, glazed and unglazed.	"	0 9 0	15 " "
	Other sorts including handmade ...	...	*Ad valorem*	15 " "
	Straw boards ...	cwt.	14 8 0	15 " "

Substitute

94	PAPER AND ARTICLES MADE OF PAPER AND PAPIER MACHE, PASTEBOARD, MILLBOARD, AND CARDBOARD, all sorts, and STATIONERY, including ruled or printed forms and account and manuscript books, drawing and copy books, labels, advertising circulars, sheet or card almanacs and calendars, Christmas, Easter, and other cards including cards in booklet form, including also wastepaper and old newspapers for packing except old newspapers in bales and bags, but excluding trade catalogues and advertising circulars imported by packet, book, or parcel post (*see* No. 93) and also excluding the descriptions given below :—	...	*Ad valorem*	15 per cent.
			Rs. A. P.	
	Old newspapers in bales and bags ...	cwt.	8 8 0	15 " "
	News printing paper, glazed and unglazed ...	lb.	0 2 6	15 " "

Printing paper—			
Real Art ...	lb.	Rs. A. P. 0 7 6	15 per cent.
Imitation Art, machine finish, super calendered, ivory finish, account book (printing), antique, stereo, litho, poster, cartridge, cover paper and machine glazed pressings.	"	0 4 9	15 " "
Other sorts, including coated papers and flints ...	...	*Ad valorem*	15 " "
Packing and wrapping paper—			
Nature brown, Manilla machine-glazed and unglazed, sulphite envelope, kraft and imitation kraft.	lb.	0 3 6	15 " "
Tissues, white and coloured ...	"	*Ad valorem*	15 " "
Writing paper—			
Bond, bank, and also white and coloured glazed and unglazed.	"	0 7 6	15 " "
Creamlaid and wove ...	"	0 6 0	15 " "
Other sorts including handmades and loans ...	...	*Ad valorem*	15 " "
Straw boards ...	cwt.	11 8 0	15 " "

The 17th February 1923.

No. 1043.—In exercise of the power conferred by section 7 (1) of the Cotton Duties Act, 1896 (II of 1896), and in supersession of the notification in this Department No 1399, dated the 19th February 1921, the Governor-General in Council is pleased to fix, for the descriptions of cotton goods hereunder specified tariff values as follows, with effect from the 1st March 1923 :—

Grey goods, plain or bordered.

		Tariff value per lb. Rs.	A.	P.
1.	Chadars and bedsheets, plain, or having only borders not over ¼″ ...	1	4	0
2.	Dangari and khadi cloth ...	0	15	0
3.	Dhuties, cholas, dupattas, lungis, and gumchas, plain, or having only borders not over ½″ ...	1	6	0
4.	Dhuties, cholas. dupattas, lungis, and gumchas having only borders over ½″, but not over ¾″ ...	1	8	0
5.	Dhuties, cholas, dupattas, lungis, and gumchas having only borders over ¾″, but not over 2″ ...	1	9	0
6.	Domestics, T cloths, shirtings, longcloth, sheetings having borders not over ¼″ ...	1	5	0
7.	Drills and jeans, plain ...	1	4	0
8.	Fents ...	0	15	0
9.	Patals and saris with headings over 4″ wide and only coloured borders, not over ¾″ ...	1	7	0
10.	Printers, sadlapat and bhagavad ...	1	5	0
11.	Shirtings, twilled, unbleached ...	1	5	0
12.	Tent, sail, commissariat and double-threaded cloth (dosuti)	1	2	0
13.	Zanzibar cloth ...	1	4	0

Provided that for calendered grey goode 3 pies shall be added to the above values.

Figured or coloured goods.

		Tariff value per lb. Rs.	A.	P.
14.	Bedcovers, twilled sheets, quilts, and table cloths with borders not over ½″ ...	1	7	0
15.	Bedcovers, quilts, table cloths, twilled or plain wove sheets and chadars, coloured warp or weft ...	1	8	0

		Tariff value per lb. Rs.	A.	P.
16.	Bedcovers, quilt, table cloths, twilled or plain wove sheets and chadars, coloured warp or weft ...	1	11	0
17.	Bed ticking, plain or drilled ...	1	5	0
18.	Check gumchas and check cholas ...	1	8	0
19.	Cholis and saris (coloured) ...	1	11	0
20.	Cotton tweed, commonly called hunting cloth, plain or striped, including leheria, Thana susi, Thana drill, Thana twill, and Thana check ...	1	7	0
21.	Drills striped ...	1	4	0
22.	Drills, checked ...	1	7	0
23.	Drills, dyed ...	1	9	0
24.	English patterned checks, trouserings and coatings ...	1	12	0
25.	Fancy dobby pattern checks, coloured warp or weft ...	1	10	0
26.	Fents ...	1	2	0
27.	Flannel pattern susi and dobby susi, grey weft ...	1	7	0
28.	Flannel pattern susi and dobby susi, coloured weft ...	1	9	0
29.	Lungis, coloured ...	1	11	0
30.	Lungis, grey, with coloured stripes and borders ...	1	8	0
31.	Napkins, grey ...	1	7	0
32.	Napkins, bleached ...	1	10	0
33.	Shirtings, twilled, bleached ...	1	8	0
34.	Susi checks, English, grey ground ...	1	10	0
35.	Susi checks, ordinary, grey ground ...	1	9	0
36.	Susi checks, ordinary, coloured warp or weft ...	1	10	0
37.	Susi checksheets, ordinary, grey ground ...	1	8	0
38.	Susi ordinary, coloured stripes, grey ground ...	1	7	0
39.	Susi ordinary, coloured weft ...	1	8	0
40.	Tent cloth, blue and red ...	1	3	0
41.	Tent cloth, khaki ...	1	3	0
42.	Towels, Turkish, grey ...	1	10	0
43.	Towels, Turkish, bleached ...	1	13	0
44.	Towels, honeycombed and other sorts, grey ...	1	5	0
45.	Towels, honeycombed and other sorts, bleached ...	1	8	0
46.	Zephyr, cloth ...	1	6	0
47.	Zephyr, striped and checked ...	1	7	0

Provided that any goods specified in the foregoing lists shall, when woven with borders of silk, be assessed to duty *ad valorem*.

STAMPS.

The 17th February 1923.

No. 975.—In exercise of the powers conferred by section 20, sub-section (2) of the Indian Stamps Act, 1899 (II of 1899), the Governor-General in Council is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Department of Commerce No. 348, dated the 13th January 1923, namely :—

(*i*) In the preamble for the words and figures "No. 787-S. R., dated the 17th February 1899", the words and figures "No. 1281-S. R., dated the 17th March 1899" shall be substituted.

(*ii*) In the third column of the second item of the table for the words and figures "$\frac{5}{21}$ of a Rupee, *i.e.*, francs 63 = Rs. 15" the words and figures "$\frac{5}{23}$ of a Rupee, *i.e.*, francs 69 = Rs. 15" shall be substituted ; and in the third column of the third item of the table for the words and figures "$\frac{1}{2300}$ of a Rupee, *i.e.*, Marks 34,500 = Rs. 15" the words and figures "$\frac{1}{5400}$ of a Rupee, *i.e.*, Marks 81,000 = Rs. 15" shall be substituted.

D. T. CHADWICK,

Secretary to the Government of India.

2036 PGG— 871—1-3-23—SGPP Lahore.

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The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, MARCH 9, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA, EXTRAORDINARY," DELHI, MONDAY, JANUARY 1, 1923.

FOREIGN AND POLITICAL DEPARTM E

NOTIFICATION.

Delhi, the 1st January 1923.

No. 23-Gen.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Sahib, as a personal distinction, upon—

Chaudhri Banarsi Dass, of Jagraon, Ludhiana.

Anand Sarup, Sub-Divisional Officer, Military Works Services, Northern Command, Ambala Cantonment.

J. P. THOMPSON,

Political Secretary to the Government of India.

2091 PGG—872—9-3-23—SGPP Lahore.

Registered No. L. 403.

The Punjab Gazette

PUNJAB AND ITS DEPENDENCIES

Published by Authority

LAHORE, FRIDAY, JANUARY 5, 1923.

PART II.

Republication from the Gazette of India.

FROM THE GAZETTE OF INDIA, EXTRAORDINARY, DELHI, MONDAY, JANUARY 1, 1923.

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Delhi, the 1st January 1923.

No. 22-Gen.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Sahib, as a personal distinction, upon—

Chaudhri Banarsi Das, of Jagraon, Ludhiana.

Anand Sarup, Sub-Divisional Officer, Military Works Services, Northern Command, Ambala Cantonment.

J. P. THOMPSON,

Political Secretary to the Government of India.

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Registered No. L. 864.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, MARCH 16, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA" FEBRUARY 3, 1923.

HOME DEPARTMENT.

ESTABLISHMENTS.

Simla, the 23rd January 1923.

RESOLUTION.

No. F-936.—It has been brought to the notice of the Government of India that, under the orders contained in paragraph (2) (*a*) of the Home Department Resolution No. 1260, dated the 24th June 1920, as amended by paragraph 1 of the Resolution No. 1053, dated the 5th May 1921, a P. C. S. officer appointed to officiate in a listed post for the second or third time can sometimes earn increments on the Indian Civil Service time-scale without completing one year's service in each stage. As this result, which was never contemplated by them, is directly opposed to the fundamental rules regarding increments, they have now, with the approval of the Secretary of State, decided to amend the orders in question by the insertion of the words "in that stage" before the words "in a listed post" in the penultimate sentence of paragraph (2) (*a*), and by the omission of sub-paragraph (*b*) which is no longer necessary.

2. These amendments will have effect from the 1st January 1923, and the emoluments of officers holding listed posts permanently on that date will not be affected. Officers who will have officiated in such posts prior to that date will also be protected to the extent that their stage in the superior time-scale on the next occasion of holding these posts will not be lower than it was on the previous occasion.

ORDER.—Ordered that a copy of this Resolution be forwarded to all Local Governments and Administrations, the several Departments of the Government of India (including the Financial Adviser, Military Finance) and the offices subordinate to this Department, for information and guidance.

Ordered also that it be published in the Supplement to the *Gazette of India* for general information.

J. CRERAR,

Secretary to the Government of India.

2139 PGG.

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, FEBRURAY 24, 1923.

DEPARTMENT OF COMMERCE.

NOTIFICATIONS.

INTOXICATING DRUGS.

The 24th February 1923.

No. 1082.—In exercise of the powers conferred by section 6 of the Opium Act, 1878 (I of 1878), and in supersession of the notification of the Government of India in the Department of Commerce, No. 1050, dated the 25th February 1922, the Governor-General in Council is pleased to direct that duty at the rate of Rs. 56 per seer shall be levied with effect from the 1st April 1923 upon all Afghan and other opium imported into the Punjab :

Provided that the said duty shall not be levied in respect of—

(*a*) poppy heads, or

(*b*) opium produced in the Hill States of the Punjab, or

c) opium on which duty has already been paid in the North-West Frontier Province.

No. 1084.—In exercise of the powers conferred by section 6 of the Opium Act, 1878 (I of 1878), and in supersession of the notification of the Government of India in the Commerce Department, No. 1052, dated the 25th February 1922, the Governor-General in Council is pleased to direct that duty at the rate of Rs. 47 per seer shall be levied with effect from the 1st April 1923 upon all opium, except poppy heads, produced in any State in the political control of the Punjab Government or the Agent to the Governor-General, Punjab States, and imported into the Punjab.

No. 1086.—In exercise of the powers conferred by section 6 of the Opium Act, 1878 (I of 1878), and in supersession of the notification of the Government of India in the Department of Commerce, No. 1054, dated the 25th February 1922, the Governor-General in Council is pleased to direct that duty at the rate of Rs. 56 per seer shall be levied with effect from the 1st April 1923 upon all opium imported into the North-West Frontier Province:

Provided that the said duty shall not be leviable in respect of—

(*a*) poppy heads ; or

(*b*) opium on which duty has already been paid in the Punjab.

D. T. CHADWICK,

Secretary to the Government of India.

2139 PGG—872—16-3-23—SGPP Lahore.

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The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

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LAHORE, FRIDAY, MARCH 23, 1923.

PART II.

Republications from the "Gazette of India."

No. 88-A.

GOVERNMENT OF INDIA,—FINANCE DEPARTMENT.

ACCOUNTS AND FINANCE.

Advances, etc.

Delhi, the 29th January 1923.

RESOLUTION.

IT has been represented to the Government of India that the rules governing the grant of advances to Government servants for purchasing passages, promulgated with Finance Department Resolution No. 612-A., dated the 14th September 1922, should be modified so as to extend the concession to all gazetted Government servants of non-Asiatic domicile. They have considered the several suggestions made in this matter and have decided to revise the rules in the manner set forth in the annexure.

ORDERED that the Resolution be forwarded to Local Governments and Administrations; to the several Departments of the Government of India (including the Financial Adviser, Military Finance); to the Private Secretary and the Military Secretary to His Excellency the Viceroy; to the Auditor General; to all Accountants-General and the Comptroller, Assam; to the Examiners of Customs and Press Accounts; to all Chief Auditors of State Railways; to the Heads of Departments subordinate to the Finance Department and to the Deputy Accountant-General, Central Revenues, Delhi.

By order, etc.,

P. R. RAU,

Under-Secretary to the Government of India.

2178 PGG.

ANNEXURE.

Rules regulating the grant of advances to pay for the passages overseas of certain Government servants of non-Asiatic domicile and their families.

1. In these rules "family" means a Government servant's wife, legitimate children and step children residing with and wholly dependent upon him.

2. These rules apply only to gazetted Government servants of non-Asiatic domicile holding substantively a permanent post in any of the Civil Departments or in the Military Accounts Department; and to Military Commissioned officers (including Military Assistant Surgeons with commissioned rank) of non-Asiatic domicile in civil employ.

3. An advance may be made to a Government servant proceeding on leave out of India for the cost of passage by sea from a port in India to a port outside Asia of himself and members of his family and also for the cost of the return voyage.

4. The amount of each advance shall not exceed four months' pay of the Government servant or Rs. 6,000, whichever is less, subject to the further condition that it shall not exceed the amount actually required at the time for the purpose for which it is granted. It should be a sum expressed in whole rupees, being a multiple of thirty-six.

5. When an advance has previously been sanctioned, the amount of a further advance should be so regulated that the total amount outstanding will not exceed the limits mentioned in rule 4. For the purpose of recoveries, each advance shall be treated separately.

6. The sanctioning authority will be the Department of the Government of India, or other subordinate authority to whom the power may be delegated with the consent of the Finance Department, or the local Government under whose administrative control the Government servant is serving.

7. If the family proceeds out of or returns to India unaccompanied by the Government servant, separate advances may be made for their passages in both directions, but no advance will be admissible under this rule for a member of the family in respect of whom an advance has previously been made unless the Government servant himself has proceeded out of India on leave since that advance was made. In making application for an advance under this rule, the Government servant should certify that the conditions of the rule are satisfied.

8. An advance will not be admissible to a Government servant who does not intend returning to Civil duty on the expiry of the leave, and the Government servant shall submit with his application for the advance a certificate that he intends to return to civil duty on the expiry of the leave. The applicant should at the same time state whether he has taken, or intends applying for, an advance for the same purpose under the rules regulating the General Provident Fund or any other similar provident fund rules.

9. (*a*) Advances will be recovered in thirty-six equal monthly instalments by compulsory deductions from pay, commencing from the first payment of a full month's pay after the advance is granted. Except as provided in clause (*b*) of this rule, no recovery will be made from a Government servant while he is on leave. A borrower may, however, make repayment in less than thirty-six instalments or may repay two or more instalments at the same time.

(*b*) If the Government servant retires, or applies for and receives permission to retire on the expiry of his leave, the outstanding balance of the advance will be recoverable at once, but where undue hardship is likely to result from compelling payment in one instalment, a Department of the Government of India or the High Commissioner for India may permit a relaxation of this rule to the extent of allowing monthly recoveries to be made from the pension or leave salary admissible to the Government servant at a rate not less than half the monthly amount of such pension or leave salary. In applying this rule consideration should be given to the amount which will be handed over to a provident fund subscriber on his retirement.

(*c*) The borrower will submit to the audit officer concerned, or, if the advance is paid in England, to the High Commissioner for India, within three weeks of the receipt of the advance, receipts showing the amount of payments made for passages. In the event of failure to comply with this rule, the amount advanced shall be recoverable at once. If the receipts produced are for an amount less than that advanced, the balance shall be recoverable at once.

10. Subject to the conditions of these rules, the High Commissioner may sanction an advance to a Government servant on leave drawing his leave salary in London for the cost of return passages to India of the Government servant and his family, provided no advance for the same journey has been previously made.

11. A Government servant receiving an advance under these rules will, on receipt of the advance, sign and deposit with Government an undertaking in the form shown in the appendix to these rules.

APPENDIX.

MEMORANDUM OF AGREEMENT made the day of 192 BETWEEN of (hereinafter called the Borrower) of the one part and the SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter called the Lendor) of the other part.

WHEREAS the Borrower's (family) is proceeding to / returning from on leave / on expiry of leave (with his family) and has in accordance with Resolution of the Finance Department, Government of India, No. 612-A., dated the 14th September 1922, requested the Lendor to lend him free of interest Rs. towards defraying the cost of his / their passage (s) to (and back to India) which the Lendor has agreed to do on the terms and conditions hereinafter mentioned.

WITNESSETH that in consideration of the said loan (receipt of which the Borrower hereby acknowledges) the Borrower for himself his heirs executors and administrators covenants with the Lendor to repay the said loan by 36 equal monthly instalments the first instalment to be payable on the date of first payment of a full month's pay after the advance is granted, no recoveries being made while the Borrower is on leave, and hereby authorizes the Lendor to deduct the amount of such monthly instalments from the pay of the Borrower PROVIDED ALWAYS and it is hereby further agreed and declared that in the event of the Borrower dying or retiring or receiving permission to retire from Government service before the whole amount of the said loan is repaid or if he does not produce receipts for the said passage (s) or does not comply with any of the conditions on which the loan is made, as specified in the aforesaid Resolution, within three weeks from the date hereof the loan is to become immediately due and payable.

IN WITNESS whereof the Borrower has hereunto set his hand the day and the year first above written.

Signed by the said (Borrower) in the presence of

Witness

Address

Occupation.—

2178 PGG-872—22-3-23—SGPP Lahore.

Registered No. L. 864.

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PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, MARCH 30, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA, DELHI," SATURDAY, MARCH 3, 1923.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

TELEGRAPHS.

Delhi, the 24th February 1923.

No. 343-P. W.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry, No. 6975-137 (Telegraphs), dated the 16th September 1909, namely :—

In rules 92 and 276 *for* the words "that fee will cover the registration of special delivery instructions" the following shall be substituted, namely :—

"an extra fee of Rs. 5 per annum will be levied for the registration of each separate special delivery instruction and of Re. 1 for each change in any one of such instructions, provided that the holder of an abbreviated address registered prior to the 1st April 1923 will be permitted to register special delivery instructions free of charge during and for the remainder of the period for which the registration of the abbreviated address was effected prior to that date."

S. D'A. CROOKSHANK, *Colonel,*

Secretary to the Government of India.

2239 PGG.

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, MARCH 17, 1923.

FINANCE DEPARTMENT.

No. 518-Ex.

GOVERNMENT OF INDIA—FINANCE DEPARTMENT.

Delhi, the 2nd March 1923.

RESOLUTION.

HIS Majesty's Secretary of State for India in Council has been pleased to make the following amendments in the rules appended to the Government of India, Finance Department, Resolution No. 1448-E. A., dated the 29th September 1922 :—

I. After the words "which would ordinarily be held by a member of one of the services named in the schedule", in rule (1) of those rules, *insert* the words "or by an officer holding the King's Commission".

II. At the end of rule (1) *substitute* a comma for a full stop and *add* the words "or of a service ordinarily filled by officers holding the King's Commission".

III. After the words "Government of India Act" in rule (4), *insert* the words "or under Army Regulations, India".

IV. *Insert* the following as rules (5) and (6), the existing rules (5) and (6) being renumbered as rules (7) and (8) :—

"(5) To any expenditure on a measure costing more than Rs. 5,00,000 (initial *plus* one year's recurring) and involving outlay chargeable to the Army or Marine estimates.

(6) (*a*) To any expenditure on the inception of a Military Works project which is estimated to cost, or forms part of a scheme which is estimated to cost, more than Rs. 10,00,000.

(*b*) To any expenditure on a Military Works project in excess of the original sanctioned estimate, if—

(*i*) the excess is more than 10 per cent. of the original sanctioned estimate, and the estimated cost of the project thereby becomes more than Rs. 10,00,000 ;

(*ii*) the original estimate has been sanctioned by the Secretary of State, and the excess is more than 10 per cent. of that estimate, or more than Rs. 10,00,000.

(*c*) To any expenditure on a Military Works project, in excess of a revised or completion estimate sanctioned by the Secretary of State.

Provided that, for the purposes of clauses (*b*) and (*c*) of the rule, if any section accounting for 5 per cent. or more of the estimated cost of a project sanctioned by the Secretary of State is abandoned the estimated cost of the works in that section shall be excluded from the total sanctioned estimate of a project for the purpose of determining whether the Secretary of State's sanction is necessary.

V. In clause (*d*) of existing rule (5) now to be renumbered rule (7) *omit* the words "and Military services".

VI. *Add* the following as paragraph 2 :—

"(2) The foregoing rules do not apply to expenditure in time of war with a view to its prosecution. The Government of India have full powers with regard to such expenditure, subject only to the general control of war operations which is exercised by the Secretary of State for India in consultation with His Majesty's Government ; to the necessity of obtaining the sanction of the Secretary of State in Council to really important special measures required to carry out those operations, where in the judgment of the Government of India time permits a previous reference to him ; and to the obligation to keep him as fully informed as circumstances allow of their important actions."

VII. In item 7 of the schedule attached to the rules, *for* the words "the Imperial branch of the Civil Veterinary Department" *substitute* "the Indian Veterinary service".

VIII. In item 10 of the schedule attached to the rules, after the words "Indian Audit and Accounts Service" *add* the words "(Civil and Military)".

ORDERED that a copy be forwarded to all Local Governments and Administrations; to the several Departments of the Government of India; to the Financial Adviser, Military Finance; to the Private Secretary to His Excellency the Viceroy; to the Military Secretary to His Excellency the Viceroy; to the Auditor-General; to all Accountants-General; to the Comptroller, Assam; to the Controller of War Accounts; to all Chief Auditors of State Railways; to the Examiner of Press Accounts; to the Examiner of Customs Accounts; to all Government Examiners of Railway Accounts; to the Heads of Departments subordinate to the Finance Department; to the Deputy Controllers of the Currency, Calcutta, Bombay and Delhi; to the Deputy Accountant-General, Central Revenues, Delhi; to the Audit Officers, Khyber Railway Construction, Delhi (New Capital) Railway Works Project, Bombay Development Scheme and Indian Stores Department; and to the Auditor of Government of India Sanctions.

ORDERED also that the Resolution be published in the *Gazette of India*.

By order,

A. MACLEOD,

Offg. Deputy Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

POST OFFICE.

Delhi, the 17th March 1923.

No. 466-P. W.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898) the Governor General in Council is pleased to direct that the following further amendments shall be made in the rules published with the Notification of the Government of India in the Department of Commerce and Industry No. 2883-45, dated the 26th April 1913, namely:—

1. For rule 153 of the said rules and the sub-heading above it the following shall be substituted, namely:—

"*I.—Manner of prepayment of postage and other charges on postal articles.*

153. Where the postage or other fees or sums chargeable on a postal article is prepaid or are prepaid the prepayment shall be made either by means of a proper stamp or stamps provided for the purpose by the orders of the Governor General in Council under section 16 of the Act or by means of a proper impression or impressions of stamping machines or in cash, subject to such terms and conditions as the Director-General may from time to time prescribe.."

2. In rule 154 of the said rules for the words "postage on a postal article" the words "postage and other charges" shall be substituted.

S. D'A. CROOKSHANK, *Colonel*,

Secretary to the Government of India.

2239 FGG—872—30-3-23—SGPP Lahore.

VII. In clause [illegible] of [illegible] the words "the Imperial [illegible] the Civil Veterinary Department" substitute "the Indian Veterinary Service".

VIII. In item 30 of [illegible] after the words "Indian Audit and Accounts Service" add the words "(Civil and Military)".

ORDERED that a copy be forwarded to all Local Governments and Administrations; to all Departments of the Government of India; to the Financial Adviser, Military [illegible]; to the [illegible] to His Excellency the Viceroy; to the Military Secretary [illegible] Excellency the Viceroy; to the Auditor General; to the Accountant-General, Central [illegible]; to the Controller of War Accounts; to all Chief Auditors of State [illegible]; to the Examiner of [illegible] to the Director of Customs Accounts; to all [illegible] Examiners of Railway Accounts; to the Heads of Departments subordinate to [illegible] Department; to the Deputy [illegible] Currency, Calcutta, Bombay and [illegible]; to the Deputy Accountant-General, Central Revenues, Delhi; to the Audit Officer, [illegible] Railway Construction, Delhi; [illegible] Railway War Projects, Eastern Circle; [illegible] and Indian Stores Department, and to the [illegible] of Government of India [illegible].

ORDERED also that the Resolution be published in the *Gazette of India*.

By order,

A. MACLEOD,

Offg. Deputy Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

POST OFFICE.

Delhi, the 27th March 1918.

No. 463-P. W.—In exercise of the powers conferred by the Indian Post Office Act, [illegible] (VI of 1898) the Governor General in Council is pleased to direct that the following [illegible] amendments shall be made in the rules [illegible] published with the Notification of the Government of India in the Department of Commerce and Industry, No. 2353-[illegible], dated the 26th [illegible] 1918, namely:—

1. For rule 153 of the said rules and the sub-heading above it the following shall be substituted, namely:—

"[illegible] of [illegible]

153. Where the postage or other sum [illegible] shall be made either by means of a [illegible] the [illegible] of the Government [illegible] or by means of a [illegible] subject to proper impression [illegible] from time to time such terms and conditions as the [illegible] may [illegible] prescribe."

2. In rule 154 of the said rules for the words "[illegible]" the words "[illegible] and other charges" shall be substituted.

A. D. A. CRUICKSHANK, [illegible]

Secretary to the Government of India.

Registered No. L. 864.

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PUNJAB AND ITS DEPENDENCIES.

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PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, MARCH 10, 1923.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATIONS.

EMIGRATION.

Delhi, the 10th March 1923.

No. 212.—In exercise of the powers conferred by section 24 of the Indian Emigration Act, 1922 (VII of 1922), the Governor General in Council is pleased to make the following rules:—

RULES UNDER THE INDIAN EMIGATION ACT.

Short title. 1. These rules may be called the Indian Emigration Rules, 1923.

Definitions. 2. In these rules unless there is anything repugnant in the subject or context—

(a) "*The Act*" means the Indian Emigration Act, 1922 (VII of 1922).

(b) "*Assisted Return Emigrant*" means a Return Emigrant who is assisted to return to India by the Government of the country to which he emigrated.

(c) "*District Magistrate*" means in a Presidency Town the Commissioner of Police and elsewhere the District Magistrate of a district.

(d) "*Form*" means a Form set forth in the Schedule to these rules.

(e) "*Labourer*" means any person performing unskilled work.

(f) "*Magistrate*" means any stipendiary Magistrate appointed under the Code of Criminal Procedure, 1898 :

Provided that the Local Government may, by notification in the local official gazette, direct that the powers of a magistrate under all or any of these rules may be exercised by such other class or classes of magistrates as it may specify in this behalf, either generally or in any specified area or for the purposes of emigration to any specified country.

(g) "*Medical Inspector*" means the Medical Inspector of Emigrants.

(h) "*Protector*" means the Protector of Emigrants.

(i) "*Return Emigrant*" means an emigrant who has left India under the terms of the Act and who returns to India.

PART I.

RULES REGARDING EMIGRATION OF UNSKILLED LABOUR.

I.—*Emigration Staff.*

Emigration Commissioner.

3. (*1*) The appointment of an Emigration Commissioner by the Government of a country to which emigration is lawful shall for the purposes of these rules take effect from the date on which the Governor General in Council may by notification in the *Gazette of India* declare his approval of the appointment.

(*2*) The Governor General in Council shall not declare his approval of such appointment unless he is satisfied that the remuneration received by the person so appointed will not depend on the number of labourers whom he assists to emigrate but will be in the nature of fixed salary.

Duties of the Emigration Commissioner.

4. (*1*) An Emigration Commissioner shall—

(a) be responsible for the diffusion of correct information regarding the country by the Government of which he is appointed and for all arrangements made to secure emigrants for that country and to assist them to emigrate thereto ;

(b) control and be responsible for the operations of all persons engaged by him or under his orders in pursuance of such arrangements.

(*2*) A Local Government, within whose jurisdiction emigrants are secured, shall, subject to the control of the Governor General in Council, issue instructions for the purpose of carrying into effect the provisions of the Act and of these rules, and the Emigration Commissioner and all officers appointed under the Act or under these rules shall be bound to comply with such instructions.

Appointment of Assistant to Emigration Commissioner.

5. An Emigration Commissioner shall, if the Governor General in Council so requires, appoint a responsible Assistant to be stationed at a suitable centre for the supervision of Emigration Agents and of the places of accommodation established under rule 18. Such appointment shall be approved by the Local Government within whose jurisdiction such Assistant is to operate.

Constitution of circles and appointment of Inspectors of Emigration.

6. (*1*) An Emigration Commissioner may, and if required by the Local Government shall, divide the area within a single Province, within which he desires to secure emigrants, into circles approved by the Local Government of that Province. For each such circle he shall appoint, with the previous approval of the Protector, an Inspector of Emigration, whose duty it shall be to supervise the work of all persons engaged in assisting and inducing labourers to emigrate to the country represented by the Emigration Commissioner by whom he is appointed.

(*2*) The salary and allowances of an Inspector of Emigration shall be fixed and shall not depend on the number of emigrants obtained from his circle.

(*3*) If the Local Government, after such enquiry as it thinks fit, desires an Inspector to be removed from his post the Emigration Commissioner shall be bound to comply with its request.

Emigration Agents.

7. (*1*) An Emigration Commissioner may appoint as many persons as he may consider necessary for purposes of propaganda and for assisting labourers to emigrate. Such persons shall be called Emigration Agents.

(*2*) Emigration Agents must be men of good character and respectability and shall, whenever possible, be men who have actually worked in the country for which they are employed. They shall be paid a fixed salary which shall not depend on the number of emigrants recruited by them.

(3) An Inspector of Emigration appointed under rule 6 shall not be appointed an Emigration Agent.

Emigration Agent to be licensed.

8. (1) No person shall operate as an Emigration Agent unless he is in possession of a valid licence in Form No. 1 issued by the Emigration Commissioner in this behalf.

(2) A licence issued under sub-rule (1) shall be valid for a period of one year but may be renewed by the Emigration Commissioner for further periods of three months at a time.

(3) The number of persons whom an Emigration Agent is authorized to assist to emigrate and the area in which he is authorized to operate shall be specified in every such licence.

(4) The Emigration Commissioner shall forward a copy of any licence issued by him under this rule to the Protector and to the District Magistrate of every district in which an Emigration Agent is authorized by such licence to operate.

Unlicensed persons not to recruit.

9. No person, except under and in accordance with a licence issued under rule 8, shall induce, or attempt to induce, any person to emigrate or to attempt to emigrate or to leave any place for the purpose of emigrating.

Prohibition of agreements to emigrate.

10. No person shall enter into, or attempt to enter into, any agreement with any person purporting to bind him to emigrate.

Emigration Agent not to recruit unless licence countersigned by District Magistrate.

11. An Emigration Agent shall not operate in a district for which he holds a licence unless the licence has been countersigned by the District Magistrate of such district.

Power of magistrate to refuse countersignature.

12. If a District Magistrate is satisfied, after such enquiry, if any, as he thinks necessary and after giving the Emigration Agent an opportunity of being heard, that an Emigration Agent who desires to recruit labour in his district is by character or from any other cause unfitted to be employed in such recruitment, he may refuse to countersign the licence issued to such Emigration Agent under rule 8; the reasons for such refusal shall be recorded in writing by the District Magistrate.

Power of District Magistrate to cancel countersignature.

13. If any misconduct or disregard of these rules or of the conditions of his licence on the part of an Emigration Agent comes to the notice of the District Magistrate of a district in respect of which such Agent's licence has been countersigned in accordance with rule 11, or if such District Magistrate finds reason to believe that such Agent is by character or from any other cause unfitted to be an Emigration Agent, he may require such Agent to produce his licence and after giving him an opportunity of being heard may, if he is satisfied that such misconduct or disregard has occurred or that he is so unfitted, cancel the countersignature thereon.

Notice to Emigration Commissioner of countersignature, refusal to countersign or cancellation of countersignature.

14. When a District Magistrate countersigns or refuses to countersign a licence under rule 11 or rule 12, as the case may be, or cancels the countersignature on a licence under rule 13 he shall at once report such countersignature, or such refusal or cancellation to the Emigration Commissioner who granted the licence. The Emigration Commissioner shall cancel any licence on which countersignature has been refused or cancelled by any District Magistrate.

Powers and duties of Sub-divisional Magistrates.

15. Where a licence is limited to a sub-division or any part thereof the powers conferred and duties imposed by rules 11 to 14 shall be exercised and performed by the Sub-divisional Magistrate of such Sub-division.

Production of license before Magistrate or Police Officer.

Endorsement by a Magistrate on the licence.

16. An Emigration Agent shall, on the demand of a magistrate or officer in charge of a police station, produce the licence issued to him under rule 8. Should such magistrate desire to endorse on the licence any remark concerning such Agent, he shall be entitled to do so and such remark shall be reproduced on all subsequent licences issued to such Agent until it is ordered to be expunged—

(a) by the District Magistrate to whom such magistrate is subordinate, or if the magistrate making the endorsement was the District Magistrate by such District Magistrate or his successor in office, or

(b) by the Local Government:

Provided that the Local Government shall not order an endorsement made by a magistrate other than the District Magistrate to be expunged, unless the District Magistrate competent to pass such order has refused to do so.

II.—*Statement of information to be supplied to emigrants.*

17. (*1*) The Emigration Commissioner shall be responsible for the preparation of a statement containing information relating to the country which he represents and the Emigration Agent shall supply a copy of such statement to every person, whom he attempts to induce to emigrate to such country, and shall obtain a receipt from such person for every copy so supplied.

Statement of information.

(2) The statement shall not be brought into use until it has been approved by the Governor General in Council, to whom it shall be submitted by the Emigration Commissioner through the Local Government.

(3) The statement shall be in a form prescribed by the Emigration Commissioner and shall be printed in English and in the vernacular language or languages of the local area in which the Emigration Agent operates.

(4) Without prejudice to the generality of its contents the statement shall contain information relating to the following heads, namely:—

(*a*) the climate of the country;

(*b*) the nature of the work open to emigrants;

(*c*) the hours of work *per* day generally prevalent in the country and the days of rest generally allowed;

(*d*) the wages generally offered and the deductions, if any, made from them;

(*e*) the arrangements generally available for housing and treatment during sickness;

(*f*) the cost of living for labourers in the country in question; whether rations are supplied to labourers and if so, whether cooked, or uncooked, and whether free of cost or on payment;

(*g*) the duration of the journey from India to the country and the nature of the arrangements for the journey;

(*h*) the conditions of repatriation;

(*j*) the facilities available in regard to education and the observance of religious rites;

(*k*) the prospect of land being granted for cultivation;

(*l*) the special punishments, if any, inflicted for labour offences.

For the purposes of clause (*d*) and clause (*f*) of this sub-rule, wages and cost of living shall be stated both in rupees and in the currency of the Colony.

III.—*Places of accommodation in areas in which emigrants are obtained.*

18. In any district in which the Local Government so directs the Emigration Commissioner shall provide sufficient and proper accommodation in a suitable place for such intending emigrants as he may collect pending their production before a Magistrate and removal to the port of embarkation. The Emigration Commissioner shall inform the District Magistrate of the situation proposed by him for the place of accommodation and shall obtain his approval to such situation before the place is brought into use.

Establishment of places of accommodation.

19. (*1*) In and in connection with every place of accommodation provided in accordance with rule 18, the following requirements shall be observed, namely:—

Requirements to be observed in connection with palces of accommodation.

(*a*) the premises shall be maintained in a cleanly condition, and facilities for the cleanliness of the inmates thereof shall be available;

(*b*) the premises shall be capable of accommodating the largest number of persons likely to require accommodation therein at any one time;

(*c*) the number of persons, whom the premises can simultaneously accommodate, as determined by the District Magistrate or Protector, shall be inscribed on a board affixed in a conspicuous place for the information of persons hereinafter required or authorized to inspect the premises, and the persons simultaneously accommodated therein shall not exceed such number;

(*d*) a notice board shall be prominently exhibited immediately outside the premises whereon it shall be stated that the premises are a place of accommodation provided in accordance with these rules and are in charge of a person specified by name;

(*e*) the premises shall be within reasonable distance of a plentiful supply of wholesome drinking water, and suitable arrangements for bathing and for the purposes of nature shall be made;

(f) a woman, who is not an intending emigrant, shall not be accommodated therein without the special permission of the Emigration Commissioner;

(g) the premises shall contain separate accommodation for the use of women entitled to accommodation therein who desire or are required by tribal or local custom to be separately accommodated;

(h) the premises shall be such as to admit of suitable medical treatment of any inmate thereof who falls ill and all sanitary requirements in connection therewith shall be duly observed;

(i) the person in charge of the premises shall keep an inspection book for the entry of remarks by persons hereinafter required or authorized to inspect the same.

(2) Subject to the requirements specified in sub-rule (1), the accommodation provided in accordance with rule 18 shall be deemed to be sufficient and proper within the meaning of that rule, if it is in accordance with the standards of comfort observed by persons residing in the same area and belonging to the same class of life as the intending emigrants.

(3) All intending emigrants shall be entitled to free medical treatment in the event of their falling sick while in a place of accommodation provided under rule 18.

(4) The Local Government may prohibit the use of any place of accommodation, which they consider unsuitable, either absolutely or until such improvements and alterations as they may specify have been carried out, and in urgent cases the District Magistrate may prohibit the use of any such place pending the orders of the Local Government.

Inspection of and visits to places of accommodation.

20. (1) The District Magistrate shall arrange for every place of accommodation provided under rule 18 to be visited and inspected by a magistrate not less than once a month.

(2) In a Presidence town the Local Government, and elsewhere the District Magistrate shall appoint a visiting Committee composed of non-officials for the purpose of inspecting any such place, and it shall be the duty of every member of such Committee to inspect such place at such intervals of time as the Local Government or District Magistrate, as the case may be, may determine.

(3) In addition to the persons hereinbefore required to inspect such places of accommodation the following classes of persons shall be authorized to inspect any such place, namely:—

(a) gazetted revenue and police officers serving in the District in which the place is situate;

(b) where the place is situate in a Municipal area, the members of the Municipal Committee for that area and the members of any District, Taluk, or Local Board, whose jurisdiction adjoins that area;

(c) where the place is not situate in a Municipal area, the members of any District, Taluk, or Local Board, within whose jurisdiction it is situate.

(4) Emigration Agents or other persons in charge of any such place shall afford every facility for its inspection by any person required or authorized to inspect it.

(5) Any person required or authorized to inspect any such place may record his remarks in the inspection book referred to in clause (i) of sub-rule (1) of rule 19. A copy of such remarks shall be forwarded forthwith to the Emigration Commissioner and to the District Magistrate by the Emigration Agent or other person in charge of such place.

(6) Friends and relatives of any intending emigrant accommodated in any such place shall be permitted to visit such place and to converse with such intending emigrants, and no such friend or relative shall be removed or excluded from such place on the ground that he is trying to dissuade an inmate thereof from emigrating.

IV.—*Restrictions on recruiting by Emigration Agents.*

Operations not to be extended to pilgrim centres and places notified by Local Government.

21. Emigration Agents shall not operate in pilgrim centres during times of pilgrimage or at places where festivals are in progress or at any place notified by the Local Government in this behalf.

Persons below the age of 18 years and women unaccompanied by a relative not to emigrate.

22. No intending emigrant below the age of 18 years who is unaccompanied by a parent or guardian and no intending female emigrant unaccompanied by a relative over 18 years of age shall be assisted to emigrate.

Restriction on emigration of single men.

23. Men who are unmarried or unaccompanied by their wives shall not be assisted to emigrate to any one country in any one year to a number exceeding one in five of the total number of persons so assisted:

Provided that the Governor General in Council may exempt any specified country from the operation of this rule or may in the application of this rule to any specified country modify the ratio fixed thereby.

V.—*Production before a Magistrate.*

Production of emigrants before magistrate.

24. (*1*) Prior to despatch to the port of embarkation every intending emigrant shall be produced before the District Magistrate or such other Magistrate as may be deputed by the District Magistrate in this behalf and such Magistrate may examine such emigrant regarding the reasons for desiring to emigrate and his knowledge of the conditions attaching to his emigration. Neither the Emigration Agent nor any person on his behalf shall be present at such examination Emigrants recruited at the port of embarkation shall be produced before a Presidency or other Magistrate appointed in this behalf at such port.

(*2*) The Emigration Agent shall submit in triplicate to the Magistrate before whom intending emigrants are produced in accordance with sub-rule (*1*) a nominal roll in Form No. 2 of the persons whom he proposes to assist to emigrate.

Magistrate to check nominal roll.

25. (*1*) On production of intending emigrants before a Magistrate under sub-rule (*1*) of rule 24 the magistrate shall check the persons so produced with the nominal roll forwarded to him under sub-rule (*2*) of the said rule and shall examine them in order to satisfy himself that the Act and these Rules have been complied with.

(*2*) If on examination of any intending emigrant such magistrate finds—

(*a*) that an intending emigrant who is below the age of 18 or is a woman bears to one of the other intending emigrants not so disqualified the relationship stated in the roll;

(*b*) that any other intending emigrant—

(*i*) has been recruited by a licensed Emigration Agent, and

(*ii*) is willing to emigrate and understands the statement of information supplied to him under rule 17, and

(*iii*) has not been induced to emigrate by any coercion, undue influence, fraud, misrepresentation or mistake,

he shall record in the three copies of the roll that such intending emigrant is permitted to emigrate.

(*3*) If the magistrate is of opinion that any intending emigrant should not be permitted to emigrate, he shall record on the copies of the roll an order to this effect, stating the reasons for such order.

(*4*) If the magistrate feels any doubt as to the alleged relationship of any dependent to any other intending emigrant he may make further enquiry and call for further evidence before recording his orders on the roll.

(*5*) After the nominal roll has been checked in accordance with sub-rule (*1*) and after such amendments as are necessary have been made therein, one copy thereof shall be filed in the office of the magistrate and the remaining two copies shall be handed to the Emigration Agent for submission respectively to the Protector at the port of embarkation and to the Emigration Commissioner.

Rejected persons not to be permitted to emigrate

26. No person rejected under sub-rule (*3*) of the preceding rule shall be permitted to emigrate and every person so rejected shall, with his dependents, if any, be returned to his home, at the expense of the Emigration Agent.

Confirmation of non-emigrants.

27. (*1*) Any person desiring to emigrate and claiming that he is not subject to the provisions of the Act and of these rules relating to emigrants may appear before a magistrate with evidence, oral or documentary, that he is not an "emigrant" within the meaning of clause (*b*) of sub-section (*1*) of section 2 of the Act.

(*2*) The magistrate, after such enquiry as he thinks necessary, shall, if satisfied that the applicant is not an "emigrant" to the country to which he proposes to emigrate within the meaning of clause (*b*) of sub-section (*1*) of section 2 of the Act, grant him a certificate to that effect and shall endorse the documentary evidence of identity (where such is produced).

(*3*) A certificate granted by a magistrate and the documentary evidence of identity endorsed by the magistrate under sub-rule (*2*) shall, if produced before any magistrate, authority or officer acting under the Act, not later than six months after the granting thereof, be conclusive proof that the person named therein is not an "emigrant" within the meaning of the Act to the country specified therein.

VI.—*Conveyance of emigrants to the port of embarkation.*

Despatch of persons permitted to emigrate.

28. Every person permitted to emigrate under the Act or these Rules shall be conveyed with all convenient despatch, by or under the orders of Emigration Agent to the place of accommodation established at the port of embarkation in accordance with the provisions hereinafter contained.

Competent person to accompany emigrants to port of embarkation.

29. (*1*) When an emigrant has been examined under rule 24 at a place beyond the limits of the port of embarkation, he shall while proceeding to such port be accompanied throughout the journey either by the Emigration Agent himself or by a competent person appointed in that behalf by the Emigration Commissioner.

(*2*) The Emigration Agent or the person so appointed shall, throughout the journey, provide the emigrant with proper and sufficient food and lodging.

VII.—*Non-recruited emigrants.*

Non-recruited emigrants.

30. (*1*) Persons who desire to obtain assisted passages, but do not desire the assistance of Emigration Agents, may apply direct to the Emigration Commissioner of the country to which they wish to proceed. The application shall be accompanied by a certificate in Form No. 3 from a magistrate having jurisdiction in the area in which such person resides unless the application is made at the port of embarkation.

(*2*) If the Emigration Commissioner agrees to grant assisted passages to any persons applying to him under sub-rule (*1*), they may be assisted to proceed to the place of accommodation established under rule 18 and shall be dealt with thereafter in the same manner as persons assisted to emigrate by Emigration Agents or if applying at the port of embarkation shall be received into the place of accommodation established under rule 31.

VIII.—*Places of accommodation at the port of embarkation.*

Place of accommodation at port of embarkation.

31. For every port from which emigrants embark to the country represented by an Emigration Commissioner, such Emigration Commissioner shall establish on a convenient site approved by the Local Government a suitable place of accommodation for the reception and lodging of emigrants about to embark from such port, and shall provide all necessary food and clothing for all emigrants accommodated in such place.

Place to be licensed.

32. A place of accommodation established under rule 31 shall not be used for the reception and lodging of emigrants until it has been inspected and approved by the Protector, and on sanitary grounds by the Medical Inspector, and until a licence for its use has been granted by the Protector in Form No. 4.

Cancellation of licence.

33. The Protector may at any time cancel a licence granted under the preceding rule—

(*a*) if he considers that the place in respect of which the licence was granted has become unhealthy, or unsuitable in any other respect for the accommodation of emigrants, or

(*b*) if the Emigration Commissioner has failed, after reasonable notice, to comply with any of the requirements of these rules in respect of such place.

Report of arrival of emigrants.

34. The arrival of any emigrant at the place established under rule 31 shall be reported forthwith by the person in charge of such place to the Emigration Commissioner who shall submit a weekly return of such arrivals to the Protector.

Inspection by Protector and Medical Inspector.

35. (*1*) The Protector and the Medical Inspector shall at least once in every week during which any emigrants may be kept in any such place, inspect the emigrants and examine the state of such place, and the manner in which the emigrants therein are lodged, fed, clothed and otherwise provided for and attended to.

(*2*) The Protector and the Medical Inspector shall, in their inspection and supervision of such places, comply with directions to be framed for their guidance by the Local Government.

Appointment of resident medical officer.

36. A resident medical officer approved by the Medical Inspector shall, unless the Local Government otherwise directs, be appointed by the Emigration Commissioner for every place of accommodation established under rule 31 and his name shall be registered in the Protector's office. He shall keep a hospital register in Form No. 5 and shall produce it for inspection when the place is visited by the Protector or Medical Inspector. The Emigration Commissioner may appoint additional medical officers approved by the Protector.

Inspection of and visits to place of accommodation.

37. (*1*) Every place of accommodation established under rule 31 shall be open to inspection by any non-official persons whom the Local Government may appoint in this behalf.

(*2*) A visitor's book shall be kept in every such place in which the Protector and Medical Inspector and any of the non-official persons referred to in sub-rule (*1*) shall enter the dates of their visits and may make any such suggestions or remarks as they think fit.

(*3*) Friends and relations of any emigrant accommodated in any such place shall be permitted to visit such place and to converse with such emigrant and no such friend or relation shall be removed or excluded from such place on the ground that he is trying to persuade an inmate thereof to return to his home.

Residence of Emigration Commissioner in or near place of accommodation.

38. The Emigration Commissioner shall reside or shall depute a responsible representative to reside within, or in some place immediately adjoining every place of accommodation, established under rule 31 with a view to the exercise of immediate and efficient control over subordinates, and to the prevention of irregularities.

Registers to be maintained and returns to be submitted.

39. The Emigration Commissioner shall cause registers for every place of accommodation established under rule 31 to be kept in Forms Nos. 6 and 7 and the entries therein to be punctually, legibly and accurately made. An annual return of accommodation and a monthly return of sickness in such place shall likewise be prepared in Forms Nos. 8 and 9, respectively, and shall be forwarded by the Emigration Commissioner to the office of the Protector. A weekly hospital report in Form No. 10 shall also be furnished by the Emigration Commissioner to the Medical Inspector.

Procedure on occurrence of infectious or contagious diseases.

40. (*1*) In the event of cholera, small-pox or other communicable disease appearing in a place of accommodation established under rule 31, every emigrant attacked by the disease shall be sent to an outside hospital for treatment; and the relatives of the affected person, if any, not accompanying the patient to such hospital and all contacts shall at the same time be placed in a segregation shed situated in an isolated part of the premises; and shall not be permitted to move or be removed thence without the written permission of the resident medical officer appointed under rule 36.

(*2*) Relatives accompanying an affected person to an outside hospital shall be provided either with food or with a subsistence allowance.

Report of casualties.

41. The removal of the name of any emigrant from the register kept in Form No. 6 for any cause other than embarkation, and any death or other casualty occurring among the emigrants shall be reported in Form No. 11 to the Protector not later than the day following the occurrence and any death from whatsoever cause, shall also be reported to the Medical Inspector before noon on the following day.

Deaths.

42. (*1*) In the case of the death of an emigrant before embarkation, the Emigration Commissioner shall make a correct inventory in a register to be kept in Form No. 7 of the personal property which such emigrant had with him at the time of his death and shall forward such property, together with a descriptive list thereof, to the office of the Protector for disposal:

Provided that any foul clothing in the possession of such emigrant shall be burned.

(*2*) The Emigration Commissioner shall also notify the death to each of the successors entered in column 14 of Form No. 6.

(*3*) Claims made by relatives shall be communicated to the Protector who shall, after such enquiries as may be necessary, dispose of the property referred to in sub-rule (*1*) in such manner as he may think fit.

IX.—*Examination before embarkation.*

Nominal roll of emigrants about to embark.

43. A nominal roll in duplicate of all emigrants who are about to embark shall be prepared in Form No. 12 and the Emigration Commissioner shall be responsible for the correctness and legibility of the entries made therein.

Examination before embarkation.

44. (*1*) Before any emigrants leave the place of accommodation established under rule 31, the existence in the nominal roll prescribed by rule 43 of an entry relating to each such emigrant and the correctness thereof shall be verified, and they shall be examined as to their fitness to undertake the voyage by the Medical Inspector who shall make over the nominal roll with the report of his inspection to the Protector.

(2) The Protector shall examine the emigrants and may refuse permission to an emigrant to embark on any of the following grounds :—

(i) that the Medical Inspector reports that such emigrant is unfit to undertake the journey to the country to which he or the person on whom he is dependent, as the case may be, has agreed to emigrate ;

(ii) that the provisions of the Act or of these rules have been in any way contravened in relation to such emigrant ; or

(iii) that such emigrant appears not to have understood the conditions on which he is proceeding and on such conditions being adequately explained to him is unwilling to embark.

Recording of Protector's orders.

45. (1) The Protector shall state on each copy of the nominal roll prescribed by rule 43 whether each emigrant is permitted to embark or is refused permission, recording his reasons briefly in the case of refusal.

(2) One copy of the nominal roll shall be recorded in the office of the Protector and the other copy made over to the Emigration Commissioner for record in his office.

Emigrant not to embark for seven days

46. No emigrant shall be allowed to embark until seven days have elapsed from the date of his arrival at the place of accommodation established under rule 31.

Detention of emigrant temporarily unfit to undertake voyage.

47. An emigrant to whom permission to embark is refused on the ground specified in clause (i) of sub-rule (2) of rule 44 shall, if his unfitness to undertake the journey is of a temporary nature and if the Medical Inspector so recommends, be detained in the place of accommodation until he is reported by the Medical Inspector to be fit to undertake the journey and shall then be permitted by the Protector to embark. Any intending emigrant who is related to an intending emigrant so detained shall be entitled, if he so desires, to remain with such emigrant in the place of accommodation and to receive maintenance therein.

Disposal of rejected emigrants.

48. An emigrant to whom permission to embark is refused by reason of his permanent unfitness to undertake the journey or on the ground specified in clause (ii) or clause (iii) of sub-rule (2) of rule 14 shall with his dependants, if any, be returned to his home through the Protector's office at the expense of the Emigration Commissioner.

Examination of rejected emigrants.

49. (1) An emigrant who is to be returned to his home in accordance with rule 48 shall be examined by the Medical Inspector on the day fixed for his departure and unless certified by him to be fit to bear the journey shall not be permitted to depart.

(2) An emigrant to whom permission to depart has been refused in accordance with sub-rule (1) shall be detained under treatment in the place of accommodation until such time as the Medical Inspector certifies that he is fit to bear the journey to his home.

Fee to be charged for emigrants permitted to embark.

50. For each emigrant permitted by the Protector to embark a fee shall be levied from the Emigration Agent or the Emigration Commissioner at such rate as may be prescribed by the Governor General in Council in this behalf, and no part of such fee shall be recovered from such emigrant.

X.—*Return Emigrants.*

Lodging of return emigrants.

51. (1) Assisted return emigrants shall be disembarked only at ports from which emigration has been declared lawful and shall on arrival be accommodated in a place of accommodation appointed by the Emigration Commissioner in that behalf, where they shall be properly lodged and provided for until the Emigration Commissioner is in a position to arrange for their departure to their homes.

(2) The Emigration Commissioner shall prepare in Form No. 13 a list of assisted return emigrants who have returned in a sick or helpless condition and after the Medical Inspector has endorsed his remarks thereon shall forward it to the Protector.

Treatment of sick return emigrants.

52. Sick return emigrants shall be entitled, if they so desire, to be treated in hospital at the place of accommodation appointed under rule 51 or elsewhere and on their discharge from hospital shall be dealt with in accordance with the provisions hereinafter contained.

53. Assisted return emigrants shall, if they so desire, and if the terms on which they emigrated so entitle them, be returned to their homes at the expense of the country to which they emigrated. Such assisted return emigrants as are considered by the Medical Inspector to be physically or mentally helpless, shall be so returned by the Emigration Commissioner under proper escort.

Despatch of assisted return emigrants to their homes.

54. (1) If the Emigration Commissioner is satisfied that a return emigrant has deposited money for transmission to India through the Government of the country from which he has returned, the Emigration Commissioner shall forthwith make payment to him of the equivalent in Indian money at the rate of exchange current at the port of disembarkation of the money so deposited. The Emigration Commissioner shall draw the attention of such emigrant to the disadvantages attaching to the carrying on the person of considerable sums of money in notes or silver and shall if such emigrant so desires assist him to obtain postal money orders payable to himself at such post office as he may name.

Payment of deposits made in the Colonies by return emigrants.

(2) Amounts so payable to an emigrant who has died on the voyage together with any unclaimed property which such emigrant had with him at the time of his death shall be forwarded by the Emigration Commissioner to the Protector for disposal in such manner as may be prescribed by the Local Government.

55. On the disembarkation of any batch of assisted return emigrants the Emigration Commissioner shall report to the Protector the number of assisted return emigrants in such batch who embarked from the country to which they emigrated with the number, if any, who died during the voyage to the port of disembarkation and the cause of death in each case.

Report to Protector of deaths during the voyage.

XI.—*Agents appointed under section 7 of the Act.*

56. (1) The Agents appointed in any place under section 7 of the Act shall be generally responsible for the welfare of emigrants in that place and for carrying out the purposes of the Act in relation to such emigrants.

Agents appointed under section 7.

(2) Such Agents shall obtain information on any matters affecting the welfare and status of Indians in the countries in which they are employed and shall communicate such information to the Governor General in Council.

(3) They shall prepare and submit annual reports, in such form as may be prescribed by the Governor General in Council in this behalf, regarding the condition of Indians in the country in which they are appointed.

(4) They shall, so far as may be possible, protect and advise all classes of Indian emigrants within their charge and bring any requirements of such emigrants to the notice of the proper authorities in India or in the country in which they are appointed.

(5) They shall, in the case of countries to which emigration for the purposes of unskilled work is permitted under section 10 of the Act, inspect on arrival every ship specially chartered for conveying emigrants, shall maintain registers of the emigrants arriving in and departing from the country, shall visit places where emigrants work and reside, and shall satisfy themselves that the conditions on which emigration is permitted are being strictly observed.

(6) They shall be directly subordinate to the Governor General in Council.

(7) In carrying out the above duties they shall act in co-operation with the Immigration Department of the Government of the country in which they are appointed.

PART II.

RULES FOR SKILLED WORK.

57. Every application under section 16 of the Act for permission to engage or to assist any person or persons to emigrate for the purpose of skilled work, shall, besides furnishing the information required by the said section, contain a full statement of the name of the applicant, his father's name, his place of residence and his occupation or profession.

Application for permission to engage or assist persons to emigrate under section 16.

58. Where the permission applied for is granted by the Local Government such Local Government shall forward to the Protector at the port at which the intending emigrants are to embark a copy of the application and of the order of permission passed thereon under section 17 of the Act.

Copy of application and the order thereon to be forwarded to Protector.

59. (*1*) The Protector shall, if the Local Government so directs, give to every person permitted to engage, or to assist any person to emigrate under the provisions of Chapter IV of the Act, a certificate in Form No. 14.

Certificate to be granted by Protector to the applicant.

(*2*) Before giving such certificate the Protector shall satisfy himself that every emigrant has been supplied with a written statement correctly explaining the terms of his employment and the general conditions of life obtaining in the country to which the emigrant intends to proceed.

60. The Protector shall maintain a register of complaints received by him from emigrants registered by him under section 18 of the Act, whether made during their absence from India or after their return, and shall record briefly the results of any investigation made by him and the action taken thereon. The register shall be maintained in Form No. 15.

Register of complaints to be maintained by Protector.

PART III.

SUPPLEMENTARY.

61. The Governor-General in Council may by notification in the *Gazette of India* direct that, for the purposes of emigration to any specified country, these rules shall apply with such exceptions or modifications as may be specified in such notification.

Power to exclude or modify application of rules.

SCHEDULE.

FORM No. 1.

[*See rule 8 (1).*]

Form of licence.

No.

__________ described hereunder is licensed to be an Emigration Agent for the country of __________ for a period of one year commencing from this date and is authorized to collect within the above period, unless the licence is cancelled before its expiry, in the districts of __________ labourers desiring to emigrate not exceeding __________ in number.

Dated at __________

Emigration Commissioner.

Name of Emigration Agent.	Father's name.	Age.	Caste.	Religion.	Height.	Distinguishing marks.	Native of Village, Taluk, District.	Date of expiry of licence.
					Feet. Inches.			

FORM No. 2.

[*See rule* 24 (2).]

Nominal roll of persons who desire to emigrate.

Produced by __________ Emigration Agent for country of __________ licence No. _____ of 19 .

Emigrants.				Dependents.		Sex.	Age.	Caste.	Occupation.	Residence.			Orders of Magistrate.
Name.	Father's name.	Husband's name.	Alive or dead.	Name.	Relationship to emigrants.					District.	Post Office.	Village, Town or Mohalla.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

FORM No. 3.

[*See rule 30 (1).*]

Form of Certificate for persons applying for assisted passages without the intervention of Emigration Agent.

Persons applying for assisted passages.		Dependents.		Sex.	Age.	Caste.	Occupation.	Residence.		
Name.	Father's name.	Name.	Relationship to emigrant.					District.	Thana.	Village, Town or Mohalla.

Certified that the persons named and described above are desirous of proceeding to the country of ________ if granted assisted passages. They do not appear to have been induced to emigrate by any Emigration Agent or any other person and their emigration is not prohibited by the Emigration Act or the rules framed thereunder.

Dated at

Magistrate of

FORM No. 4.

(*See rule 32.*)

Form of License for Place of Accommodation.

The Emigration Commissioner for __________ is hereby authorised to accommodate in each shed of his place for accommodation of Emigrants at __________ the number of emigrants entered against it.

Serial No. of shed.	Measurement of platforms in each shed.			Number of Emigrants to be accommodated in each shed.	Remarks.
	Length.	Breadth.	Superficial area.		
Accommodation shed No. 1.					
Accommodation shed No. 2.					
Accommodation shed No. 3.					
Accommodation shed No. 4.					
Total No. allowed in place of accommodation.					
Hospital shed No. 1 ...					
Hospital shed No. 2 ...					

N. B.—Platform space in accommodation sheds shall be 15 superficial feet per emigrant with a gangway of 6 feet. The space in hospital sheds shall be 28 superficial feet to each emigrant.

A fresh licence will be required if the sheds are increased in number or size.

This licence shall be in force for one year only from the date hereof.

FORM No. 5.

(*See rule 36.*)

Form of Hospital Register.

Register of in-door patients among the labourers and dependents accommo dated in the place of accommodation of __________ for the month of __________

Date of admission.	Hospital register No.	Name.	Father's name.	Age.	Sex.	No. in register of place of accommodation.	Disease.	Date of discharge.	Date of removal to outside hospital.	Date of death.	Remarks.

FORM No. 6.

[*See Rules 39, 41 and 42 (2).*]

Register of place of accommodation.

		EMIGRANTS.		DEPENDENTS.					RESIDENCE.				SUCCESSOR TO ESTATE IN INDIA.						IF NOT EMBARKED, CAUSE AND DATE OF NON-EMBARKATION.			
Date of admission into the place.	Place of accommodation No.	Name.	Father's name.	Name.	Relationship to others accompanying.	Sex.	Age.	Caste.	District.	Thana.	Village or Town and Mohalla.	Distinguishing marks.	Name and residence.	Father's name.	Relationship.	If a returned emigrant, from what colony.	Date of magistrate's order permitting emigration.	Place of recruitment and name of Emigration Agent.	Date	Cause.	Date of embarkation and name of ship.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23

FORM NO. 7.

[*See Rules 39 and 42 (1).*]

Form of register of deceased emigrant's property.

Particulars of effects (other than worn clothing) of deceased emigrants as recorded by the Emigration Commissioner for ____________ during the ____________ year 19 .

Date of death.	Serial No.	Name.	Sex.	No. in register of place of accommodation.	Description of property left.		Date of delivery of property to Protector of Emigrants.	No. and date of official communication accompanying property.	Remarks.
					Money	Miscellaneous articles.			

FORM No. 8.

(*See rule 39.*)

Accommodation Return.

Return of emigrants accommodated in the place of accommodation of the ____________ Agency during the year 19 .

District from which emigrating.	Number despatched from place of accommodation in recruiting district.	Infants born on the way.	Casualties *en route*.				Arrived from recruiting districts.	Number at close of previous year.	Transferred from other places of accommodation.	Re-admitted from outside hospital or asylum.	Born in place.	Total of columns 8—12.	Casulties in Depot.							Despatched to colony.	Number at close of year.	Number of returned emigrants emigrating again.	Number of returned emigrants.	Account of savings of returned emigrants.	Remarks.
			Left behind on the way.	Released.	Deserted.	Died.							Rejected as unfit.	Released.	Transferred to other places.	Sent to outside hospital or asylum.	Disposed of as orphans.	Deserted.	Died.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

FORM No. 9.

(*See rule 39.*)

Form of report sickness at the place of accommodation.

Return of sickness among Emigrants accommodated in the place of accommodation of the __________ Agency during the month of __________ 19 .

Disease.	Number remaining under treatment from last month.	Number admitted during the month.	Under treatment during the month.			Discharged.	Sent to outside hospital or asylum.	Deaths.			Under treatment at close of the month.	Remarks.
			Men.	Women.	Children.			Men.	Women.	Children.		
1	2	3	4	5	6	7	8	9	10	11	12	13

	Persons.
Number remaining in the place of accommodation at the close of last month ...	
Admitted during the month ... — ... — ...	
Total ...	

	Persons.
(a) Daily average strength	
(b) Daily average of sick	
(c) Percentage of sick to strength	
(d) Percentage of deaths to strength	

Dated at
The 19 .

Resident Medical Officer,

N. B.—The following rule should be observed :—

(a) To find the daily average strength of emigrants, divide the sum of the total number of persons present daily by the total number of days.
(b) To find the daily average number of sick add together the number of sick in hospital for each day, and divide the total by the number of days.
(c) To find the rate per cent. of daily average of sick to strength, take the daily average number of sick and multiply the number by 100, and divide the product by the daily average strength.
(d) To find the rate per cent. of deaths to daily average strength multiply the total number of deaths by 100, and divide the product by the daily average strength.

Instructions.—This monthly return to be forwarded to the Medical Inspector, and a duplicate to the Protector of Emigrants within a fortnight of the month following that to which it relates.

NOTE.—When cases are returned as 'fever' and are not either simple, continued or malarial fever, a note should be added specifying the kind of fever from which the emigrants are suffering.

Forwarded to the Protector of Emigrants.

Dated at
The 19

Emigration Commissioner for

FORM No. 10.

(See rule 39.)

Form of weekly Hospital Report.

Return of diseases for which Emigrants were treated in the Hospital of the place of accommodation for the week ended ——————— 19 .

Diseases.	On the sick list.			Removed from the sick list.				Remaining under treatment at the close of the week.	Remarks.
	Remaining from last week.	Admitted during the week.	Total number.	Discharged.	Deserted.	Died.	Total deduction.		
Cholera									The following diseases were found amongst the emigrants on arrival at depôt :—
Dysentery									Fever.
Diarrhœa									Diarrhœa.
Fever									Cholera.
Measles									Measles.
Small-pox, pneumonia, bronchitis.									Small-pox.
Other affections of the respiratory system.									Syphilis.
Venereal affections ...									Ophthalmia.
Other diseases ...									Anæmia.
									Dysentery.
									Hydrocele.
									Jaundice.
									Other diseases.

Particulars of fatal cases.

Name of patient.	Caste.	Sex.	Age.	District.	Admitted to place.	Admitted to hospital.	Disease.	Date of death.

Daily average of depôt population.
Daily average of sick.

Percentage of sick to population.
Percentage of death to population

Depot Surgeon.

NOTE.—When cases are returned as 'fever' and are not either simple, continued or malarial fever, a note should be added specifying the kind of fever from which the emigrants are suffering.

Memo. No.

Forwarded to the Medical Inspector for information.

Dated at
The *of* *19* }

Emigration Commissioner for

FORM No. 11.

(See rule 41.)

Form of Report of casualties in place of accommodation.

Return of emigrants removed from the attendance roll of the ——— place of accommodation on the ——— 19 .

Names of emigrants and dependents.	Father's name.	Caste.	Age.	Sex.	Date of magistrate's order permitting emigration.	District from which obtained.	Name of Emigration Agent.	PARTICULARS OF PLACE OF ACCOMMODATION.		PARTICULARS OF CASUALTIES.				PARTICULARS OF REJECTION.			PARTICULARS OF RELEASE.		Whether released with consent of Protector of Emigrants.	REMARKS.
										Desertion.		*Death.*								
								Date of admission into place of accommodation.	Number in place of accommodation.	Date.	Cause, if ascertainable.	Date.	Cause.	Date.	Cause.	Whether by Protector of Emigrants or by Emigration Commissioner.	Date.	Cause to be specified as to whether— 1. On account of rejection of relatives, or 2. Irregular recruitment, or 3. Unwillingness to emigrate, or 4. Unwillingness of relatives to emigrate, or 5. Claims of relatives, or 6. Non-requirement by agency, or 7. any other cause. NOTE.—Any of the first six causes may be specified by entering the indicating number against the emigrant's name but 'Any other cause' should be fully stated—		

Memo. No.

Forwarded to the Protector of Emigrants for information.

Dated at
The 19 .

Emigration Commissioner for

N.B.—This return should invariably be forwarded to the Protector's office on the date following that on which any reduction of the number of emigrants in the depôt occurs from any cause whatever except embarkation.

FORM No. 12.

(*See rule 43.*)

Nominal Roll of Emigrants who propose to embark.

Serial No.	Place at which produced before magistrate.	Date of magistrate's order permitting emigration.	Name.	Father's name.	Sex.	Age.	Caste.	RESIDENCE.			Occupation.	Country of destination.	SUCCESSOR TO ESTATE IN INDIA.			Orders of the Protector.
								District.	Post Office.	Village, town and mohalla.			Name and residence.	Father's name.	Residence.	

FORM No. 13.

[See rule 51 (2).]

Statement of sick and helpless returned emigrants arrived in the ship —————— from —————— on the —————— of

Name of returned Emigrants.	Age.	Sex.	Relationship to other returned Emigrants.	Physical or mental condition.	If fit to travel whether		If unfit to travel whether to be		Remarks of Medical Inspector.	Particulars as to ultimate disposal to be entered by Emigration Commissioner.
					Without escort.	Or with escort.	Sent to hospital.	Or to Asylum.		

FORM No. 14.

(See rule 59 (1).)

Form of certificate to be granted by the Protector to an applicant to engage, or to assist emigrants for skilled labour.

Certified that __________ resident of __________ has been permitted by the Government of __________ to engage, or to assist, the person or persons, named below, to emigrate for the Purpose of __________ and that the requirements of Chapter IV of the Indian Emigration Act, 1922, and of the rules thereunder have been fulfilled.

Particulars of person or persons engaged or assisted to emigrate, and of his or their dependents, if any.

Name.	Father's name.	Village or town, thana, tahsil or taluk and district of residence.	Serial number in Register maintained under sec. 18 of the Indian Emigration Act, 1922.
1	2	3	4

FORM No. 15.

(See rule 60.)

Register of complaints from emigrants.

Country to which Emigrant proceeded.	Date and number of registration of Emigrant in Register maintained under section 18 of the Indian Emigration Act, 1922.	Date of complaint.	Substance of complaint.	Summary of investigation made.	Action taken
1	2	3	4	5	6

No. 213.—In exercise of the powers conferred by section 24 of the Indian Emigration Act, 1922 (VII of 1922), read with rule 61 of the Indian Emigration Rules, 1923 (hereinafter called "the said rules"), the Governor General in Council is pleased to direct that for the purposes of the emigration of labourers to Ceylon, the Straits Settlements, the Federated Malay States and the Unfederated Malay States the said rules shall apply with the following exceptions and modifications, and further to direct that the said rules may for the said purposes be construed with such further alterations not affecting the substance as may be necessary or proper :—

1. In the said rules, references to an Emigration Agent and to Emigration Agents shall be read as referring to a Kangany and to Kanganies respectively.

2. For rules 7 and 8 of the said rules the following shall be substituted, namely :—

"7. (1) For the purposes of assisting labourers to emigrate an Emigration Commissioner may utilise the services of persons despatched in accordance with the provisions hereinafter contained, from the country which he represents; such persons shall be called Kanganies.

Kanganies.

(2) A Kangany must be an Indian of the labouring class and must have been previously employed as a labourer under the employer for whose service he desires to obtain emigrants.

(3) The remuneration of a Kangany shall be regulated in such manner as may be approved by the Local Government.

8. (1) No person shall operate as a Kangany unless he is in possession of a valid licence issued by the authority appointed in this behalf by the Government of the country from which the Kangany is despatched and endorsed by the Agent, if any, appointed for that country under section 7 of the Act or by his Deputy.

Kanganies to be licensed.

(2) On arrival in India the Kangany shall present his licence to the Emigration Commissioner, who, after such enquiry as may be necessary, shall endorse it or if he refuses to endorse it, shall return it to the authority by whom it was granted.

(3) No licence issued under sub-rule (1) shall be valid unless and until it has been endorsed by the Emigration Commissioner under sub-rule (2). Every licence so endorsed shall be valid for a period of one year from the date of such endorsement and may be renewed by the Emigration Commissioner for further periods of three months at a time.

(4) The number of persons whom a Kangany is authorised to assist to emigrate and the area in which he is authorised to operate shall be specified in every such licence; such number shall not exceed—

(*a*) for the period for which the licence is in the first instance valid, twenty persons exclusive of dependants; and

(*b*) for each period for which the licence is renewed under sub-rule (2), ten persons exclusive of dependants.

(5) The Emigration Commissioner shall forward a copy of every licence endorsed by him to the District Magistrate of every district in which the Kangany is authorised to operate.

(6) A licence issued under sub-rule (1) shall be in a form approved by the Local Government and the name and description of every intending emigrant shall be entered thereon by the Kangany in a space provided for the purpose.

(7) A Kangany whose licence has been endorsed by the Emigration Commissioner under sub-rule (2) shall be deemed to be engaged by the Emigration Commissioner for the purposes of clause (*b*) of sub-rule (1) of rule 4 of the said rules."

3. For rules 11 to 14 of the said rules the following shall be substituted, namely :—

"11. A Kangany shall not operate in any area in respect of which his licence has not been endorsed by Emigration Commissioner.

Kangany to operate only in area for which licensed.

12. An endorsement by the Emigration Commissioner under sub-rule (2) of rule 8 shall be accepted by the District Magistrate of any district in which the Kangany is authorised to operate as *primâ facie* evidence that the Kangany is fit and proper person for employment as such, but should any such District Magistrate at any time have good and sufficient reason to think otherwise he may notify the Emigration

District Magistrate may hold enquiry as to Kangany's fitness.

Commissioner accordingly, and the Emigration Commissioner shall forthwith suspend the licence until such District Magistrate has held such enquiry as he may deem necessary.

13. At the close of the enquiry referred to in rule 12 the District Magistrate shall either permit the order of suspension to be removed or shall cancel the licence.

Orders to be passed at close of enquiry.

14. Before a licence is cancelled under rule 13, the Emigration Commissioner or his Deputy shall be entitled to appear before the District Magistrate and to be heard by him."

Right of Emigration Commissioner to be heard before cancellation of licence.

4. In rule 15 of the said rules, for the figures "11" the figures "12" shall be substituted.

5. In rule 18 of the said rules, the words "production before a Magistrate and" shall be omitted.

6. Rules 24, 25 and 26 of the said rules shall apply only to intending emigrants from districts specified in this behalf by the Local Government by notification in the local official Gazette. In the case of emigrants from districts not so specified the following rules shall be substituted for the rules aforesaid, namely :—

"24. Before an intending emigrant leaves the village in which he resides he shall appear before the village munsif or headman of such village who shall ascertain whether the members of the family of such intending emigrant have any objection to his emigration and whether such intending emigrant is aware of the conditions attaching to his emigration.

Emigrant to appear before village munsiff or headman before departure for the port of embarkation.

25. If such village munsif or headman finds no objection to the emigration of such intending emigrant he shall initial the entry of his name in the Kangany's licence.

Emigrant not to be taken to port of embarkation in certain circumstances.

26. If objection is taken to the emigration of such intending emigrant by the members of his family or if the village munsif or headman sees any other reason for refusing permission to emigrate, he shall note such objection or reason on the licence and such intending emigrant shall thereupon be bound to appear before a Magistrate in the sub-division and shall not be conveyed to the port of embarkation without the permission of such magistrate whose decision shall be final."

7. In rule 27 of the said rules, after the word "magistrate" wherever it occurs, save where it occurs for the last time in sub-rule (3), the words "or the Protector" shall be inserted.

8. In rule 46 of the said rules the word "three" shall be substituted for the word "seven."

9. In the Schedule to the said rules, Form No 1 shall be omitted.

J. HULLAH,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE.

NOTIFICATON.

CUSTOMS DUTIES.

Delhi, the 10th March 1923.

No. 1448.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing, by sea or by land, into British India of any copy of any publications issued by "the Indian Labour Bureau, Berlin", in whatever language they may be printed.

D. T. CHADWICK,

Secretary to the Government of India.

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PUNJAB AND ITS DEPENDENCIES.

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PART II.

Republications from the "Gazette of India."

FROM THE GAZETTE OF INDIA, DELHI, SATURDAY, MARCH 24, 1923.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

EMIGRATION.

Delhi, the 22nd March 1923.

No. 282.—In exercise of the powers conferred by section 10 of the Indian Emigration Act, 1922 (VII of 1922), hereinafter referred to " as the Act, " the Governor General in Council is pleased to issue the following notification in the form in which it has been approved by both Chambers of the Indian Legislature :—

Emigration to Mauritius for the purpose of unskilled work shall be lawful for a period of one year with effect from a date to be notified in the *Gazette of India* by the Governor General in Council after the matters requiring determination under clause 10 of this notification shall first have been determined subject to the following terms, and conditions, namely :—

(1) The number of adult male labourers which may be recruited within the period shall be limited to 1,500.

(2) The emigrant shall—

(*a*) have been recruited by a person licensed for that purpose by and responsible to an officer (hereinafter called the Emigration Commissioner) appointed by the Government of Mauritius, or

(*b*) have applied direct to the Emigration Commissioner for an assisted passage and have been accepted by him.

(3) The emigrant shall not, before leaving British India, have entered into any engagement to labour for a period exceeding one month.

(4) Engagements to labour entered into by an emigrant in Mauritius for a period exceeding one month shall be void.

(5) The Government of Mauritius shall, at any time when so desired by the Governor General in Council, admit and give all facilities to an Agent appointed under section 7 of the Act.

(6) No part of the cost of his recruitment, subsistence during transport or transport, shall be recoverable from any emigrant, and all expenses in this connection shall be defrayed from the fund created by the Government of Mauritius under section 45 of the Labour Ordinance, 1922.

(7) Any emigrant shall, if he desires to return to India at any time after two years from the date of his introduction to the Colony, be repatriated at the cost of the Government of Mauritius to the place of his recruitment.

(8) Any emigrant shall, at any time within the period of two years from the date of his introduction to the Colony, be entitled to be repatriated at the cost of the Government of Mauritius to the place of his recruitment if he satisfies the Agent appointed under section 7 of the Act that his return to his home is desirable either on the ground of the state of his health or on the ground that the work which he is required to do is unsuitable to his capacity or that he has been unjustly treated by his employer or for any other sufficient reason.

(9) If any emigrant at any time within the period of two years from the date of his introduction to the Colony satisfies the Agent appointed under section 7 of the Act that he is unable to obtain a wage which will provide the cost of living for a man with a wife and three children and also a reasonable margin for savings, sickness and old age, he shall be entitled to be repatriated at the cost of the Government of Mauritius to the place of his recruitment.

(10) The Government of Mauritius, in consultation with the Government of India or the Agent appointed under section 7 of the Act, shall from time to time determine the amount of wage which is sufficient to meet the requirements laid down in clause 9 of this notification.

(11) If at any time there is no Agent appointed under section 7 of the Act the Government of Mauritius shall appoint a person to perform the duties of the Agent as set forth in clause 8.

(12) The Government of Mauritius shall furnish such periodical reports and returns as may be required from time to time by the Government of India in respect of the welfare of the persons emigrating to the Colony in accordance with this notification.

J. HULLAH,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

TELEGRAPHS.

Delhi, the 24th March 1923.

No. 520-P. W.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that the following further amendments shall be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry, No. 6975-137, dated the 16th September 1909, namely :—

1. After clause (*b*) of sub-rule (5) of rule 131 of the said rules, the following shall be inserted, namely :—

"(*c*) to an officer of Government in British India by a news agency duly authorised in this behalf by the Governor General in Council or by a Local Government".

2. In rule 335 of the said rules, for the words "conditions indicated in clause" the words "conditions indicated in rule 131 and in clause" shall be substituted.

S. D'A. CROOKSHANK, *Colonel,*

Secratary to the Government of India.

DEPARTMENT OF COMMERCE.

NOTIFICATION.

CUSTOMS DUTIES.

Delhi, the 24th March 1923.

No. 1702.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by sea or by land into British India of any copy of any publications issued by the International Working Men's Association (Internationale Arbeiter Assoziation), Berlin, in whatever language they may be printed.

D. T. CHADWICK,

Secretary to the Government of India.

DEPARTMENT OF EDUCATION AND HEALTH.

NOTIFICATION.

EDUCATION.

Delhi the 19th March 1923.

No. 311.—The following consolidated regulations of the several Societies of Lincoln's Inn, The Middle Temple, The Inner Temple, and Gray's Inn are published for general information.

Revised 30th September, 1922:

See Regulation 48.

CONSOLIDATED REGULATIONS

OF THE SEVERAL

SOCIETIES OF LINCOLN'S INN, THE MIDDLE TEMPLE, THE INNER TEMPLE, AND GRAY'S INN

AS TO

THE ADMISSION OF STUDENTS, THE MODE OF KEEPING TERMS, THE EDUCATION AND EXAMINATION OF STUDENTS, THE CALLING OF STUDENTS TO THE BAR, AND THE TAKING OUT OF CERTIFICATES TO PRACTISE UNDER THE BAR.

Admission of Students.

1. Subject to the exceptions in Regulations 42, 42-A, 43 and 44, no person shall be admitted as a Student, unless he has passed one of the examinations mentioned in the Schedule hereto or such other examination in lieu thereof as may from time to time be substituted therefor or added thereto by the Council of Legal Education: Provided always that the Masters of the Bench of the Inn of Court, to which any person seeks admission, may relax or dispense with this Regulation in any case in which they think special circumstances justify such a course.

2. Subject to the exceptions in Regulations 42, 42-A and 43, no person shall be admitted as a Student unless he has produced certificates of good character to the satisfaction of the Masters of the Bench of the Inn of Court, to which he seeks admission, from such persons and to such effect as is specified in this Regulation: Provided always that the Masters of the Bench of the Inn of Court to which any person seeks admission may in special circumstances accept such other evidence of good character as they may deem sufficient.

(i) If the Applicant or his family permanently resides in the United Kingdom such certificates shall be separate certificates from two responsible persons resident in the United Kingdom who have known him personally for one year or upwards and have had opportunities of judging of his character.

(ii) If neither the Applicant nor his family permanently resides in the United Kingdom, one of such certificates shall be from a responsible person who has known him personally for one year or upwards and has had opportunities of judging of his character, and another of such certificates shall be—

(a) if he has received, or is still receiving, his general education in the United Kingdom, a certificate from the Head of his School or College, or from his Tutor;

(b) in all other cases—

if he is a Native of India, either a certificate from the Collector or Deputy Commissioner of the District in which his family resides or, if his family resides in a Native State, from the Political Officer attached to the Native State, or an officer of higher rank representing the Indian Government in that State, or a certificate from the Joint Secretary to the High Commissioner for India for Indian Students' work;

if he is not a Native of India, a certificate from a Judge, Magistrate, or other person holding a similar official position in the place or district in which the Applicant resides.

(iii) Every such certificate, except that from the Joint Secretary to the High Commissioner for India for Indian Students work, shall state the name, address and profession, occupation or position of the person giving it, and what opportunities he has had of judging of the character of the Applicant, and that the person giving it believes the Applicant to be a person of respectability and fit to be admitted as Student of an Inn of Court, and shall be in the following form or to the like effect :—

I (name) of (address and profession, occupation or position) certify that (name and description of Applicant) has been known to me personally for upwards of years last past. I have had the following opportunities of judging of his character (that is to say) I

I believe him to be a gentleman of respectability and a proper person to be admitted as a Student of the Honourable Society of , with a view to being called to the Bar.

Dated this day of 19

(Signature)

(iv) The Certificate from the Joint Secretary to the High Commissioner for India for Indian Students' work shall be in the following form or to the like effect: —

INDIA OFFICE, WHITEHALL, S. W.

Enquiries have been made by the Advisory Committees in India and as far as possible by me in this country as to the character and position of Mr. of and from the reports and other information I have received and as the result of a personal interview I have had with him I am satisfied that he is a gentleman of respectability and a proper person to be admitted as a Student of the Honourable Society of , with a view to being called to the Bar.

Dated this day of 19

(Signature)

Joint Secretary to the High Commissioner for India for Indian Students' work.

3. No person being or acting directly or indirectly in the capacity of a Solicitor, Attorney-at-Law, Writer to the Signet, Writer of the Scotch Courts, Proctor, Notary Public, Officer or Clerk in any Court of Justice, Parliamentary Agent, Agent in any Court original or appellate, Clerk of the Peace, Justice's Clerk, Registrar or High Bailiff of any Court, Official Provisional Assistant or Deputy Receiver or Liquidator under any Bankruptcy or Winding-up Act Chartered or Incorporated or Professional Accountant, Actuary, Land Agent, Surveyor, Patent Agent, Consulting Engineer, Clerk to any Judge, Barrister, Conveyancer, Special Pleader or Equity Draftsman, or Clerk to any Officer in any Court of Justice :

And no person either directly or indirectly acting in any capacity similar to any of those above enumerated :

And no person being or acting as Clerk to, or in the service of any person acting in any of the above capacities or in any capacity similar thereto (except as a pupil as hereinafter defined) :

And no person holding any appointment which involves the performance of duties analogous to those of a Clerk to any Officer in any Court of Justice :

shall be admitted as a Student until he shall have entirely and *bonâ fide* ceased to be such or to act or practise in any of the capacities above-named or described, and, if on the Rolls of any Court, shall have taken his name off the Rolls thereof: Provided always that a person to whom the preceding provisions of this Regulation would apply only in respect of a position held elsewhere than in the United Kingdom may be exempted from the operation thereof by the Masters of the Bench of the Inn to which he seeks admission, if in their opinion there are such special circumstances as render his position compatible with his qualification for and his practice of the profession of a barrister.

No person engaged in trade shall be admitted as a Student unless in the opinion of the Masters of the Bench of the Inn to which he seeks admission, his occupation is such as would be compatible with his qualification for and his practise of the profession of a barrister.

No undischarged bankrupt shall be admitted as a Student.

"Pupil" means a pupil or clerk of any of the persons referred to in the first two paragraphs of this Regulation who is such for educational reasons only, without remuneration, and with no intention of practising or adopting the profession or calling of the person whose pupil or clerk he is.—*See Regulation No. 8.*

4. Subject to the exceptions in Regulations 42, 42-A and 43, every person who applies to be admitted as a Student shall before admission make a Declaration in the following form :—

I *of* *a British subject*[1]
aged *the* *son of*
of *, in the County of* *[add father's profession, if any, and the condition in life and occupation, if any, of the Applicant]*
do hereby declare that I am desirous of being admitted a Student of the Honourable Society of
for the purpose of being called to the Bar [or of practising under the Bar], and that I will not, either directly or indirectly, apply for or take out any certificate to practise, directly or indirectly, as a Pleader or Conveyancer, or Draftsman in Equity, without the special permission of the Masters of the Bench of the said Society.

And I do hereby further declare that I am not and do not either directly or indirectly act in the capacity of a Solicitor, Attorney-at-Law, Writer to the Signet, Writer of the Scotch Courts, Proctor, Notary Public, Officer or Clerk in any Court of Justice, Parliamentary Agent, Agent in any Court original or appellate, Clerk of the Peace, Justice's Clerk, Registrar or High Bailiff of any Court, Official Provisional Assistant or Deputy Receiver or Liquidator under any Bankruptcy or Winding-up Act, Chartered or Incorporated or Professional Accountant, Actuary, Land Agent, Surveyor, Patent Agent, Consulting Engineer, Clerk to any Judge, Barrister, Conveyancer, Special Pleader or Equity Draftsman, or Clerk to any Officer in any Court of Justice:[2]

And that I do not either directly or indirectly act in any capacity similar to any of those above enumerated :[2]

And that I am not and do not act as a Clerk to, nor am I in the service of, any person acting in any of the above capacities, or in any capacity similar thereto[2] *(except as a pupil of Mr. or Messrs.* *of* *) :**

** State name dress and pro or calling of t son or firm pupil the ap is.*

And that I do not hold any appointment which involves the performance of duties analogous to those of a Clerk to any Officer in any Court of Justice:[2]

And that I am not engaged in trade.[3]

And that I am not an undischarged Bankrupt.

Dated this *day of*

(Signature)

5. The sum of One Guinea shall be paid for the form of admission by each person applying to be admitted as a Student.

6. Every Student shall on admission pay a sum of Twelve Guineas, which shall entitle him so long as he shall be a Student to attend all the Lectures and Classes of all the Readers and Assistant Readers. Payment of additional fees may be required by the Council of Legal Education for attendance at the Lectures of Lecturers on particular subjects.

7. When an Indian, Colonial, or Foreign Student has been admitted to an Inn of Court, a notification of his admission, with particulars as to his name and description shall be transmitted to the Registrar or other like officer of the Principal Court of Civil Jurisdiction in the province, colony or place to which he belongs, with a request that such notification may be screened or otherwise displayed in the Bar Library or other convenient place in the said Court, for the information of the legal profession and others.

8. A Student shall not after admission be a pupil as defined by Regulation 3 for more than 12 months altogether, and every Student who shall be a pupil as there defined shall cease to be a pupil not less than 12 months before making the declaration required by Regulation 41.

9. No Student in Holy Orders shall hold any Clerical preferment or act as a Clerk in Holy Orders within the period of 12 calendar months next before making the declaration required by Regulation 41.

[1] If the Applicant is not a British subject he must omit the words "a British subject" and state his nationality.

[2] If the Applicant does act in any of the capacities above enumerated or any capacity similar thereto in the United Kingdom or elsewhere he must insert "otherwise than as," and state fully what his position is.

[3] If the Applicant is engaged in trade he must insert "otherwise than as," and give full particulars of his occupation.

10. No Student shall, after admission, be or act either directly or indirectly in the capacity of a Solicitor, Attorney at Law, Writer to the Signet, Writer of the Scotch Courts, Proctor, Notary Public, Officer or Clerk in any Court of Justice, Parliamentary Agent, Agent in any Court original or appellate, Clerk of the Peace, Justice's Clerk, Registrar or High Bailiff of any Court, Official Provisional Assistant or Deputy Receiver or Liquidator under any Bankruptcy or Winding-up Act, Chartered or Incorporated or Professional Accountant, Actuary, Land Agent, Surveyor, Patent Agent, Consulting Engineer, Clerk to any Judge, Barrister, Conveyancer, Special Pleader or Equity Draftsman, or Clerk to any Officer in any Court of Justice, or act, either directly or indirectly, in any capacity similar to any of those above enumerated, or act as a Clerk to, or be in the service of, any person acting in any of the above capacities or in any capacity similar thereto (except as a Pupil as defined by Regulation 31), or hold any appointment which involves the performance of duties analogous to those of a Clerk to any Officer in any Court of Justice : Provided always that a Student to whom this Regulation applies only in respect of a position held elsewhere than in the United Kingdom may be exempted from the operation thereof by the Masters of the Bench of the Inn to which he belongs, if in their opinion there are such special circumstances as render his position compatible with his qualification for and his practice of the Profession of a Barrister.

11. No Student shall, after admission, be engaged in trade unless, in the opinion of the Masters of the Bench of the Inn to which he belongs, his occupation is such as would be compatible with his qualification for and his practice of the Profession of a Barrister.

Keeping Terms.

12. The word " Terms " in these Regulations, except where otherwise expressed, shall mean the Terms fixed by the Inns of Court for the purpose of Calls to the Bar.

13. A Student who shall at the same time be a Member of any of the Universities of Oxford, Cambridge, Dublin, London, Durham, Liverpool, Manchester, Leeds, Sheffield, Birmingham, Bristol, the Royal University of Ireland, St. Andrews, Aberdeen, Glasgow, Edinburgh, the Queen's University of Belfast, the National University of Ireland or of any other University in the United Kingdom founded by Act of Parliament or Royal Charter, or of Girton or Newnham College at Cambridge, may keep Terms by dining in the Hall of his Inn of Court any three days in each Term.

14. A Student who shall not at the same time be a Member of any of the said Universities or Colleges may keep Terms by dining in the Hall of his Inn of Court any six days in each Term.

15. No day's attendance in Hall shall be available for the purpose of keeping Term, unless the Student attending shall have been present at the grace before dinner, during the whole of dinner, and until the concluding grace shall have been said, unless the acting Treasurer on any day during dinner shall think fit to permit the Student to leave earlier. But the Masters of the Bench of the Inn of which any person is a Student may in special circumstances allow as sufficient or excuse altogether any day's attendance, but so that not more than one day's attendance shall be allowed or excused to the same Student in any one Term.

Education and Examination of Students.

16. For the purpose of providing for Students Education in the general principles of Law, and its practical administration in this country, Systematic Instruction, under the supervision and direction of the Council of Legal Education, shall be given in the following subjects :—

1. Roman Law, Jurisprudence, International Law and the Conflict of Laws (otherwise Private International Law).
2. Constitutional Law (English and Colonial) and Legal History.
3. English Law (Civil and Criminal) and Equity.

17. All Lectures and Classss shall be open to all Members of the Inns of Court and such other persons as the Council of Legal Education may admit, and shall be held at such times and at such place or places as the Council of Legal Education may appoint.

18. Students, in addition to availing themselves of the means of instruction provided by these Regulations, are recommended to read in the Chambers of a Barrister or Pleader for the purpose of studying the practice of the Law ; but such reading in Chambers is not compulsory.

Examination for Call to the Bar.

19. Four Examinations for Call to the Bar shall be held in each year under the supervision and direction of the Council of Legal Education—One before each Term, and in sufficient time to enable the publication of the result to be made on or before the second day of such Term.

20. Before each Examination notice shall be given of the subjects in which Students will be required to pass in order to be entitled to a Certificate.

21. The Examination for Call to the Bar shall be by written papers and by such *viva voce* questions (if any) as the Examiners may think desirable, and shall consist of two Parts as follows :—

PART I.

Section I. Roman Law,

" II. Constitutional Law (English and Colonial) and Legal History,

" III. Criminal Law and Procedure, and

" IV. Real Property and Conveyancing *or* Hindu and Mohamedan Law *or* Roman-Dutch Law } at the option of the Student.

Every Student must satisfy the Examiners in each section of this Part.

PART II.

(THE FINAL EXAMINATION.)

Section I. Common Law.

" II. Equity.

" III. The Law of Evidence and Civil Procedure.

" IV. A General Paper on the subjects of I, II and III of this Part.

Every Student must satisfy the Examiners in each section of this Part.

22. No Student shall receive a Certificate of having passed the Examination for Call to the Bar unless he has passed a satisfactory Examination in both Parts.

23. The Council of Legal Education may accept as an equivalent for the Examination in Roman Law—

i. A Degree granted by any University, for which the qualifying Examination included Roman Law ;

ii A Certificate that any Student has passed an Examination in Roman Law forming part of any such Examination, though he may not have taken a Degree :

Provided that the Council of Legal Education is satisfied that the Student, before he obtained his Degree, or such Certificate, passed a sufficient Examination in Roman Law.

24. A Student entering for Examination in any one or more of the sections in Part I, shall pay on each occasion on which he enters a fee of Half a Guinea for each Section in respect of which he enters, and a Student entering for the Final Examination shall pay on each occasion a fee of Two Guineas.

25. A Student may present himself for Examination in all or any of the sections I, II, III and IV of Part I at any time after admission. Without special leave from the Council of Legal Education no Student shall present himself for Part II unless he has kept Six Terms. Every Student must present himself for Examination in all the sections of Part II at the same Examination.

26. Except as hereinafter provided, no Student shall be allowed to pass in Part II unless he has previously, or at the same Examination, satisfied the Examiners in all four sections of Part I. But if a Student takes up any section of Part I, at the same time as Part II, and fails in Part II, he shall nevertheless be allowed to pass in any section of Part I in which he has satisfied the Examiners. If any Student would have passed in Part II but for his failure to satisfy the Examiners at the same Examination in any section of Part I, the Board of Studies in their discretion may allow the Student to pass in Part II on condition that he subsequently satisfies the Examiners in that section of Part I in which he failed.

27. The Council of Legal Education may direct that any Student, whose papers in any Examination show that he had no reasonable expectation of passing, shall not be admitted for Examination in the same section again until the expiration of such time as the Council may determine.

28. In all Examinations successful Students shall be divided into classes. In Class I and Class II in the Final Examination the names shall be arranged in order of merit, but in all other cases the names in each class shall be arranged alphabetically.

Honours, Prizes and Studentships.

29. A Student who obtains a First Class at the Final Examination (Part II), and who, either before or at such Examination, passes in Sections I, II, III and IV of Part I shall receive from the Council of Legal Education a Certificate of Honour.

30. At the Easter and Michaelmas Examinations the Council of Legal Education may award a Prize of £50 to the Student who passes the best Examination in Section II of Part I. (Constitutional Law, English and Colonial and Legal History), and a similar Prize to the Student who passes the best Examination in Section III of Part I (Criminal Law and Procedure). The Prize shall not be awarded if the result of the Examination be such as not to justify the award. Where Candidates appear to be equal, or nearly equal in merit, the Council of Legal Education may divide the Prize between them equally, or in such proportions as they consider just.

31. At the Hilary and Trinity Examinations in each year the Council of Legal Education may award a Studentship of One Hundred Guineas per annum, tenable for three years, to the Student who passed the best Examination in Part II. and obtains a Certificate of Honour The Studentship shall not be awarded if the result of the Examination be such as not to justify the award. Where Candidates appear to be equal, or nearly equal, in merit the Council of Legal Education may divide the Studentship between them equally, or in such proportions as they may consider just.

32. A Student who is over twenty-five years of age on the first day of the Examination shall not be eligible for a Prize or for a Studentship, but may receive a Certificate of Honour.

32-A. During the years 1920, 1921 and 1922, Regulation 32 shall read as if thirty were inserted in the first line instead of twenty-five.

33. A Student who has passed the Examination in any section in Part I, shall not be allowed to present himself again for Examination in that section. Nevertheless, any Member of an Inn of Court who has already passed in any one of the three subjects in Section IV of Part I (Real Property and Conveyancing, Hindu and Mohamedan Law, or Roman-Dutch Law) may subsequently, after passing Part II present himself again for Examination in any other of those subjects, and, if he passes, shall be granted a special Certificate to that effect. A Student who has passed the Examination in Part II shall not be allowed to present himself again for that Examination.

34. The Inn of Court to which a Student who has obtained a Studentship or Certificate of Honour belongs may, if desired, dispense with any Terms, not exceeding two, that may remain to be kept by such Student previously to his being called to the Bar.

35. At every Call to the Bar those Students who have obtained Studentships or Certificates of Honour shall take rank in seniority over all other Students called on the same day. Those Students who have obtained Certificates of Honour shall take rank immediately after the holder of a Studentship, called on the same day.

Calls to the Bar.

36. No Student shall be called to the Bar before he has attained the age of 21 years.

37. Subject to the exceptions in Regulations 42, 42-A, 43, 44 and 45, no Student shall be called to the Bar before he has kept Twelve Terms, unless any Term or Terms shall have been dispensed with by reason of his having obtained a Studentship or Certificate of Honour, or in special circumstances by the Masters of the Bench of the Inn of which he is a Student: Provided always that in no case shall a dispensation of a greater number than two Terms be granted: Provided also that the allowance or excuse of a day's attendance under Regulation 15 is not to be deemed dispensing with a term under this Regulation.

37-A. Notwithstanding the provisions of Regulation 37, and without prejudice to and in addition to the other powers of dispensation conferred by these Regulations, the Masters of the Bench of any Inn may dispense with the keeping of any Term or Terms by any Student of their Inn who shall be or shall have been unable to keep such Term or Terms by reason of his being or having been a Member of the Forces of the Crown during the War or otherwise engaged in connection with the War.

37-B. Notwithstanding the provisions of Regulation 37, and without prejudice to and in addition to the powers of dispensation conferred by these Regulations, the Masters of the Bench of any Inn may dispense with the keeping by any Student of their Inn of any Term or Terms not exceeding six, if they are satisfied that such dispensation is reasonable having regard to the services of the Student in the Forces of the Crown during the War or consequent thereon.

38. Subject to the exceptions in Regulations 42, 42-A and 43, no Student shall be called to the Bar unless he has obtained from the Council of Legal Education a Certificate of having passed the Examination for Call to the Bar.

38-A. Notwithstanding the provisions of Regulation 38, and without prejudice to and in addition to the other powers of dispensation conferred by these Regulations, the Masters of the Bench of any Inn may call to the Bar without his having obtained from the Council of Legal Education a Certificate of having passed the Examination for Call to the Bar any

Student of their Inn who has such qualifications that he would in their opinion have obtained such Certificate but for his being or having been engaged as a Member of the Forces of the Crown during the War or otherwise in connection with the War, in circumstances which have prevented him from passing such Examination.

39. No Student shall be called to the Bar until his name and description shall have been screened in the Hall, Benchers' Room and Treasurer's or Steward's Office, of the Inn of which he is a Student, eight days in the Term in which such Call is to take place. The name and description of every Student who has been screened for Call shall be sent to the other Inns, and shall also be screened for the same space of time in their respective Halls, Benchers' Rooms, and Treasurers' or Stewards' Offices.

40. No Call to the Bar shall take place except during Term; and all Calls shall be made by the respective Inns on the same day, namely, on the sixteenth day of each Term, unless such day shall be Saturday or Sunday, and in such case on the Monday after.

41. Every Student shall, before being called to the Bar, make a Declaration in the following form, or, if he became a Student prior to the 26th day of May 1908, a declaration in the form prescribed for such Student at the time of his admission.

I,

being desirous of being called to the Bar by the Honourable Society of
do hereby declare and undertake as follows:—

1.—That I am not a person in Holy Orders [or that I, being in Holy Orders, have not during the period of 12 calendar months next before the date of this Declaration held any Clerical preferment, or acted as a Clerk in Holy Orders, and do not intend in future to act as such].

2.—That I am not and have never since my admission as a Student of this Honourable Society been, and that I do not not act and have never since my admission as aforesaid acted either directly or indirectly in the capacity of, a Solicitor, Attorney-at-Law, Writer to the Signet, Writer of the Scotch Courts, Proctor, Notary Public, Officer or Clerk in any Court of Justice, Parliamentary Agent, Agent in any Court original or appellate, Clerk of the Peace, Justice's Clerk, Registrar or High Bailiff of any Court, Official Provisional Assistant or Deputy Receiver or Liquidator under any Bankruptcy or Winding-up Act, Chartered or Incorporated or Professional Accountant, Actuary, Land Agent, Surveyor, Patent Agent, Consulting Engineer, Clerk to any Judge, Barrister, Conveyancer, Special Pleader or Equity Draftsman, or Clerk to any Officer in any Court of Justice:[1]

And that I do not act and have not since my admission as aforesaid acted either directly or indirectly in any capacity similar to any of those above enumerated:[1]

And that I am not and have never since my admission as aforesaid been and that I do not act and have never since my admission as aforesaid acted as a clerk to, nor am I nor have I since my admission as aforesaid been in the service of any person acting in any of the above capacities or in any capacity similar thereto (except as a Pupil of Mr. or Messrs.

of *from* *19*
to *19):**

And that I do not hold and have never since my admission as aforesaid held any appointment which involves the performance of duties analogous to those of a Clerk to any Officer in any Court of Justice:[1]

And that I am not and have never since my admission as aforesaid been engaged in trade:[2]

And that I am not an undischarged bankrupt.

3.—That if called to the Bar and so long as I remain a Barrister I will not in this country or elsewhere, except so far as may be there permitted or recognised, be or act directly or indirectly in the capacity of a Solicitor, Attorney at-Law, Writer to the Signet, Writer of the Scotch Courts, Proctor, Notary Public, Parliamentary Agent, Agent in any Court Original or Appellate, Chartered or Incorporated or Professional Accountant, Actuary Patent Agent, Clerk to any Judge, Barrister, Conveyancer, Special Pleader or Equity Draftsman, Clerk to any Clerk of the Peace, or Clerk to any Officer in any Court of Justice, or in any similar capacity, nor be nor act as a Clerk to or in the service of any person acting in any of the capacities last above enumerated, nor in any capacity similar thereto, nor hold any appointment which involves the performance of duties analogous to those of a Clerk to any Officer of any Court of Justice.

**State name, address and profession or calling of the person or persons, firm or firms, whose pupil the Student was, and the period or periods for which he was such pupil. See Regulation No. 8.*

1. If the Student has since his admission acted in any of the capacities above referred to, in the United Kingdom or elsewhere, he must insert "otherwise than as," and state fully what his position has been.
2. If the Student has since his admission been engaged in trade, he must insert "otherwise than as," and give full particulars of his occupation.

4.—That if called to the Bar and so long as I am in practice as a Barrister I will not in this country or elsewhere, except so far as may be there permitted or recognised, be or act in the capacity of a Town Clerk, Clerk of the Peace, Justice's Clerk, Registrar or High Bailiff of any Court, Official Provisional Assistant or Deputy Receiver or Liquidator under any Bankruptcy or Winding-up Act, Land Agent, Surveyor, Consulting Engineer, Clerk to a Board of Guardians or Overseers, or Clerk in the Office of a County Council, nor will I hold any similar office, nor be nor act as a Clerk to or in the service of any person acting in any of the capacities last above enumerated or in any capacity similar thereto.

5.—And further that so long as I am in practice as a Barrister in England I will not either there or in any British Dominion or elsewhere be or act directly or indirectly in the capacity of a Solicitor, Attorney-at-Law, Writer to the Signet, Writer of the Scotch Courts, Proctor, Notary Public, Law Agent, Agent in any Court Original or Appellate or Patent Agent, or in any capacity similar thereto, nor be interested in the business of any person or persons engaged in any such avocation or business.

Dated this *day of* *19*

(Signature)

Irish Barristers.

42. So long as the Regulations affecting the call to the Bar in Ireland remain substantially as at present, any Member of the Bar of Ireland of three years' standing at the Irish Bar may, upon presenting a Certificate of his Call duly authenticated and a Certificate from the Attorney-General or the Solicitor-General of Ireland that the Applicant is a fit and proper person to be called to the English Bar, be admitted as a Student, without having passed any of the Examinations referred to in Regulation 1, and without producing any Certificates such as are specified in Regulation 2, and without making the Declaration prescribed by Regulation 4, and, after keeping three Terms, be called to the English Bar without submitting to the Examination for Call to the Bar: Provided that down to the 31st July 1923, notwithstanding any change in the Regulations affecting the Call to the Bar of Ireland or in the status of that Bar, any person who was a Member of the Bar of Ireland on the 1st day of July 1922, may, upon producing a Certificate of his call duly authenticated and a Certificate from a person who holds, or who has held, high judicial office in Ireland and from the Attorney-General or Solicitor-General of England that he is a fit and proper person to be called to the English Bar, be admitted as a Student without having passed any of the Examinations referred to in Regulation 1 and without making the Declaration prescribed by Regulation 4, but upon producing such Certificates as are specified in Regulation 2, and may be called to the English Bar without submitting to the Examination for Call to the Bar, and, either (if the Masters of the Bench of his Inn think fit so to order) without keeping any Terms, or after keeping such number of Terms as the Masters of the Bench may direct.

Scottish Advocates.

42-A. So long as the Regulations for the admission to the Faculty of Advocates and to the Scottish Bar remain substantially as at present, and so long as any Member of the English Bar of three years' standing shall be eligible for immediate admission as a Member of the Faculty of Advocates and for subsequent admission to the Scottish Bar on the conditions at present in force * any Member of the Faculty of Advocates of three years' standing shall be eligible for admission as a Member of any one of the Inns of Court without having passed any of the Examinations referred to in Regulation 1, and without producing any of the Certificates specified in Regulation 2, and without making the Declaration prescribed by Regulation 4, upon (a) presenting a Certificate from the Dean of the Faculty of Advocates that the applicant is a fit and proper person to be called to the English Bar, and (b) paying the usual fees payable on admission as a Student. And after keeping three Terms, and passing the Examination held by the Council of Legal Education for Call to the Bar in—

1. Criminal Law and Procedure,
2. Real Property and Conveyancing,
3. Common Law,
4. Equity,
5. The Law of Evidence and Civil Procedure,
6. A General Paper in the subjects 3, 4 and 5,

and paying the fees due on Call, such applicant may be called to the English Bar,

*The conditions at present in force for the admission of an English Barrister as a Member of the Faculty of Advocates and for subsequent admission to the Scottish Bar are:—

(a) Payment of the Fees applicable to ordinary Intrants.

(b) Passing an Examination to the satisfaction of the Examiners on report to the Dean of Faculty in Scots Law, including, as distinct branches of the subject Conveyancing, Criminal Law, Civil and Criminal Procedure.

(c) Presenting a Certificate from the Attorney-General or the Solicitor-General of England that the applicant is a fit and proper person to be admitted to the Scottish Bar.

Colonial Barristers.

43. While the two branches of the profession are kept distinct in New South Wales, Ceylon, and the Cape of Good Hope, as at present, and the Regulations affecting the Call to the Bars of those Colonies remain substantially as at present, any Member of the Bar of New South Wales, or of the Bar of Ceylon, and any Member of the Bar of the Cape of Good Hope, qualified under the Charter of June 1834 or the Acts of 1858 and 1873 or either of them, being a Barrister of three years' standing, may, on presenting a Certificate of his Call to any of such Bars duly authenticated and a Certificate from a Judge of the Supreme Court of the Colony and from the Attorney-General or Senior Law Officer thereof that the Applicant is a fit and proper person to be called to the English Bar, be admitted as a Student without having passed any of the Examinations referred to in Regulation 1, and without producing any Certificates such as are specified in Regulation 2, and without making the Declaration prescribed by Regulation 4, and be called to the English Bar without submitting to the Examination for Call to the Bar, and without keeping any Terms. Any Member of the New Zealand Bar who may hold the patent of King's Counsel dated after the passing of the New Zealand Law Practitioners Amendment Act, 1915, and who is by law for the time being debarred from practising as a Solicitor in New Zealand, may, upon producing proof to the satisfaction of the Masters of the Bench of the Inn to which he seeks admission that he holds a patent as one of His Majesty's Counsel, and that the local law in New Zealand disentitles him to practise as a Solicitor, be admitted as a Student without having passed any of the Examinations referred to in Regulation 1, and without producing any Certificates such as are specified in Regulation 2, and without making the Declaration prescribed by Regulation 4, and, without keeping any Terms, be called to the English Bar without submitting to the Examination for Call to the Bar.

Vakils.

44. A Vakil, on production of a Certificate that he is on the roll of Vakils of a High Court in India, may be admitted as a Student without having passed any of the Examinations referred to in Regulation 1, and may be called to the Bar after keeping eight Terms, and, on production of such a Certificate, and of a Certificate from a practising Barrister, approved by the Council of Legal Education,* that he has read for twelve months in the said Barrister's chambers in London, shall be granted a dispensation of Four Terms in addition to such Terms as may be dispensed with by the Masters of the Bench of the Inn of Court of which he is a Student either under Regulation 34, by reason of his having passed the Examination for Call to the Bar with Honours, or under Regulation 37: Provided that in no case shall any Vakil be called to the Bar without keeping four Terms.

Solicitors.

45. A Student, who before his admission to an Inn of Court was at any time admitted a Solicitor in England and was subsequently to such admission a Solicitor in practice for not less than five consecutive years, either in England or in any one Colony or Dependency, and has before his admission as a Student entirely and *bonâ fide* ceased to be Solicitor and, if on the Rolls of any Court, taken his name off the Rolls thereof, may, without keeping any Terms, be examined for Call to the Bar and, upon passing the Examination, be called to the Bar;

Provided that, where a Solicitor has been entirely prevented from practising in consequence of his having been employed in His Majesty's service for the purposes of the War, the period of such service shall, if the Benchers of the Inn to which he applies for admission shall so order, be treated as if the Solicitor had been in practice during such period for the purpose of qualifying for Call to the Bar under this Regulation.

Provided that such Solicitor has given at least twelve months' notice in writing to each of the Inns of Court, and to the Law Society, of his intention to seek Call to the Bar, and produces a Certificate that he is fit and proper person to be called to the Bar, signed if his practice was in England, by two Members of the Council of the Law Society, and, if his practice was in a Colony or Dependency, by the Chief Justice of such Colony or Dependency.

Provided also that before his admission as a Student such Solicitor has ceased to have any capital invested in the business with which he was formerly connected, or to be in any way interested therein, or to have his name connected therewith and makes a Declaration to that effect.

Any person desiring to take advantage of this Regulation is to pay the sum of £5 5s for the forms of notice required by this Regulation, in addition to the usual Student's fees on admission to an Inn of Court.

Dealing between Members of the Bar and Solicitors.

46. Any dealings between Members of the Bar and Solicitors as regards sharing costs, or profits in any shape are incompatible with the discipline of the Bar, and are prohibited.

*The Vakil should apply to the Council to approve the Barrister before the commencement of the twelve months' reading prescribed by the Regulation.

Certificates to Practice under the Bar.

47. No Student shall be allowed to take out a Certificate to practise under the Bar without the special permission of the Masters of the Bench of the Inn of Court of which he is a Student, to be given by order of such Masters, and no such permission shall be granted to any Student unless he shall be qualified to be called to the Bar. The Regulations as to screening names in the Halls, Benchers' Rooms and Treasurers' or Stewards' Offices applicable to Students desirous of being called to the Bar, shall be applicable to Students desirous of practising under the Bar. Such permission shall be granted for one year only from the date thereof, but may be renewed annually.

Alterations of Regulations.

48. All Students shall be bound by such variations as may from time time be made in these Regulations.

49. These Regulations came into force on the 30th day of September 1922.

THE SCHEDULE BEFORE REFERRED TO (REGULATION 1).

I. Any Examination held by any University in the British dominions, approved by the Council of Legal Education, which entitles men who pass it to a degree of that University.

II. Any of the following Examinations, provided that one of the subjects in which the Student has passed is Latin :—

1. The Responsions Examination [in stated subjects]* of the University of Oxford.

2. The previous Examination of the University of Cambridge—[Parts I and II.].*

3. The Matriculation Examination of the Universities of London, Liverpool,† Manchester,† Leeds,† Sheffield,† Wales, Birmingham† and Bristol.

4. The Preliminary Examination for the degree of M.A. conducted by the Scottish Universities Entrance Board, according to the standard required in the case of Students whose native language is English.

5. The Principal or Ordinary Entrance Examination of the University of Dublin.

6. The Matriculation Examination of the Royal University of Ireland, of Queen's College, Belfast, of the National University of Ireland, and of the Queen's University, Belfast.

7. The Matriculation Examination of the University of the Cape of Good Hope, and of the joint Matriculation Board of the South African Universities, subject to English being one of the subjects in which the Candidate has passed.

8. The Qualifying Examination of the Royal Military College, Sandhurst, and of the Royal Military Academy, Woolwich.

9. Any Examination which entitles those who pass it to enter the Indian Civil Service or the Consular Service or to a Commission in the Army or Navy, or to an Eastern Cadetship.

III. Any of the following Examinations, provided that the Student has passed in such subjects (including Latin), and has attained such a standard, as would entitle the Student to be exempted from a Matriculation Examination by any of the Universities mentioned in 1 to 7 above.

10. The Oxford Senior Local Examination.

11. The Cambridge Senior Local Examination.

} Provided that one of the subjects in which the Candidate passed is certified to be English.

12. The Examination for the School Certificate held by the Oxford and Cambridge Schools Examination Board, and the Examination for the Higher Certificate held by the same Board.

13. The General School Examination (Matriculation Certificate) of the University of London.

14. The Senior Grade Examination of the Intermediate Education Board for Ireland.

15. The examination for the School Certificate held by the Northern Universities Joint Matriculation Board.

16. The Examination for the School Certificate held by Bristol University.

* NOTE.—The bracketed words do not apply in the case of any Examination held after 1920.

† Conducted by the Joint Matriculation Board.

M. S. D. BUTLER,

Secretary to the Government of India.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

NOTIFICATION.

Delhi, the 21st March 1923.

No. 120-T.—18.— In exercise of the powers conferred by the notification of the Government of India in the Department of Commerce and Industry, No. 801, dated the 24th March 1905, and in pursuance of section 84 of the Indian Railways Act, 1890 (IX of 1890), the Railway Board are pleased, in supersession of the rules published with their notification No. 120-T.—18, dated the 20th February 1919, to make the following rules, namely :—

Notices.

1. The notices mentioned in section 83 of the Indian Railways Act, 1890, shall contain the following particulars, namely :— (IX of 1890.)

mileage, or station or both, at which the accident occurred ;
time and date of the accident ;
number and description of the train or trains ;
nature of the accident ;
number of people killed or injured, as far as known ;
cause of the accident, as far as known ;
probable detention to traffic.

2. When any accident such as is described in section 83 of the Indian Railways Act, 1890, occurs in the course of working a railway, the Station-master nearest to the place at which the accident has occurred, or, where there is no Station-master, the railway servant in charge of the section of the railway on which the accident has occurred, shall give notice of the accident by telegraph to the District Magistrate and the District Superintendent of Police of the district in which the accident has occurred, to the Superintendent of Railway Police and to the officer-in-charge of the police-station within the local limits of which it has occurred. (IX of 1890.)

Explanation —For the purposes of this rule accidents of a description usually attended with loss of human life are meant to include all accidents to passenger trains such, for example, as slight collisions, derailments, cases of running over obstructions placed on the line, of passengers falling out of trains or of fires in trains, in which no loss of life, or grievous hurt as defined in the Indian Penal Code, or serious injury to property has actually occurred but which by the nature of the accident might reasonably have been expected to occur ; also cases of landslides, or of breaches by rain or flood, which cause the interruption of any important through line of communication for at least 24 hours.

Duties of railway servants.

3. Every railway servant shall report, with as little delay as possible, every accident occurring in the course of working the railway on which he is employed which may come to his notice. Such reports shall be made to the nearest Station-master, or, where there is no Station-master, to the railway servant in charge of the section of the railway on which the accident has occurred.

4. The Station-master, or the railway servant in charge of the section, shall report the accident in accordance with the detailed rules laid down by the Railway concerned for the reporting of accidents.

Duties of District Traffic Officers.

5. Whenever a serious accident occurs, the District Traffic Superintendent concerned shall supply by telegraph to the press as soon after the accident as possible brief particulars, as far as these are available as prescribed in rule, 1 supplementary telegrams, if necessary, being despatched immediately further information is available. A copy shall be sent simultaneously by "Express" telegram to the Railway Board and the Senior Government Inspector. In stating the cause of the accident the District Traffic Superintendent shall avoid making any statement the correctness of which may subsequently be questioned.

Explanation.—For the purposes of this rule every accident to a train (whether carrying passengers or not) which is attended with loss of human life or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property, which is roughly estimated to cost, say, Rs. 10,000 or over, also every accident, such as a landslide, breach by rain or flood, derailment, etc , which causes the interruption of any important through line of communication for at least 24 hours, shall be deemed to be a serious accident.

Duties of the Government Inspector appointed under section 4, sub-section (1) of the Indian Railways Act, 1890 (IX of 1890).

6. Whenever the Government Inspector receives notice under section 83 of the Indian Railways Act, 1890, of the occurrence of an accident which he considers of a sufficiently (IX of 1890.)

serious nature to justify such a course he shall as soon as may be notify the Railway Board and the Agent or Manager of the railway concerned of his intention to hold an enquiry and shall at the same time fix and communicate the date, time and place for the enquiry.

Explanation (1).—For the purposes of this rule every accident to a train carrying passengers which is attended with loss of human life, or with serious injury to persons, or to property of the value of approximately Rs. 10,000 or upwards. and any other accident which in the opinion of the Government Inspector requires the holding of an enquiry, shall be deemed to be an accident of a sufficiently serious nature to require the holding of an enquiry.

Explanation (2).—When an accident requiring the holding of an enquiry occurs at a station where the charges of two or more Government Inspectors meet, the duty of complying with this rule shall devolve on the Government Inspector within whose jurisdiction lies the railway working the station which is the scene of the accident.

7. Whenever the Government Inspector has made an enquiry under rule 6, or when he disagrees with, or considers it necessary adversely to criticise the report of the joint or departmental enquiry or the working of the railway, he shall submit a report in writing through the Senior Government Inspector, to the Local Government or Administration controlling the railway and to the Railway Board or in the case of a railway which is directly administered by the State, to the Railway Board only; and shall forward a copy of such report to the Agent or Manager of the railway concerned, and, if a magisterial enquiry is being made, to the Magistrate who is making such enquiry.

8. (1) In the case of all accidents of the nature described in the first explanation to rule 6, a preliminary brief narrative report shall be submitted by the Government Inspector to the Railway Board immediately after the completion of his enquiry. This report shall not contain any reference to persons implicated. The report referred to in rule 7 shall be submitted in the form adopted by the Inspecting Officers of the Board of Trade and shall contain—

(a) a brief description of the accident;

(b) a description of the locality of the accident;

(c) a detailed statement of the evidence taken;

(d) the conclusions arrived at;

(e) an appendix stating the damage done;

(f) (when necessary) a sketch illustrative of the accident.

(IX of 1890.) (2) Reports in connection with accidents which, although coming under section 83 of the Indian Railways Act, 1890, are not accidents of the nature described in the first explanation to rule 6, will be submitted to the Railway Board only if, in the opinion of the Senior Government Inspector, they contain features of special importance or requiring special notice. When the Sen or Government Inspector recommends the publication of such a report, it shall be in the form adopted by the Inspecting Officers of the Board of Trade; when not recommended for publication, it may be in the form of a letter explaining, as briefly as possible, the special features which the Senior Government Inspector desires to bring to notice.

9. If the Agent or Manager makes any remarks on the Government Inspector's report under rules 15 and 16 or expresses an intention to do so, the Government Inspector shall inform the Railway Board and the Local Government or Administration controlling the railway, of the steps which have been or are proposed to be taken by the railway administration to prevent a recurrence of similar accidents, and whether, in his opinion, further action in the matter is desirable.

10. The Government Inspector shall, as far as possible, assist any Magistrate making an enquiry under rule 20 or a judicial enquiry, whenever he may be called upon to do so.

(IX of 1890.) 11. Nothing in these rules shall be deemed to limit or otherwise affect the exercise of any of the powers conferred on Government Inspectors by section 5 of the Indian Railways Act, 1890.

Duties of the Agent or Manager, and of the Head of the Department concerned.

12. Whenever any accident has occurred in the course of working a railway, the Agent or Manager shall give all reasonable aid to the District Magistrate or the Magistrate appointed or deputed under rule 20, and to the Government Inspector, Medical Officers, the police, and others concerned, to enable them promptly to reach the scene of the accident, and shall assist those authorities in making enquiries and in obtaining evidence as to the cause of the accident.

13. Whenever any accident occurring in the course of working a railway has been attended with grievous hurt as defined in the Indian Penal Code, it shall be the duty of the Agent or Manager to afford medical aid to the sufferers, and to see that they are properly and carefully attended to till removed to their home or handed over to the care of their

relatives or friends. In any such case, or in any case in which any loss of human life or grievous hurt as defined in the Indian Penal Code has occurred, the nearest local medical officer should be communicated with, if he is nearer than any railway medical officer.

14. When any enquiry under rule 6 or rule 20 or any judicial enquiry is being made, the Agent or Managar shall arrange for the attendance, as long as may be necessary at the office or place of enquiry, of all railway servants whose evidence is likely to be required. If the enquiry is to be held by the Government Inspector under rule 6, the Agent or Manager shall cause notice of the date, hour and place at which the enquiry will begin to be given to the officers mentioned in clauses (a) and (c) of rule 18. He shall also arrange for the attendance of the District officers at the enquiry.

15. Whenever the Agent or Manager receives a copy of the Government Inspector's report under rule 7 he shall at once acknowledge its receipt. If he differs from the views expressed in the report, he shall at the same time submit his remarks thereon, or, if he is not immediately able to do so, he shall in his acknowledgment of the report, inform the Government Inspector of his intention to submit his remarks later. If the Agent or Manager desires to prosecute any person or persons, he shall immediately forward a copy of the report, together with a statement of the persons he wishes to prosecute, to the District Magistrate of the district in which the accident occurred, or to such other officer as the Local Government may appoint in this behalf.

16. Whenever the report of the Government Inspector points to the necessity for or suggests a change in any of the rules or in the system of working, the Agent or Manager shall, when acknowledging the report, intimate the action which has been taken, or which it is proposed to take, to prevent a recurrence of similar accidents, or shall inform the Government Inspector of his intention to report further on the Government Inspector's proposals.

17. (1) Whenever an accident, such as is described in section 83 of the Indian Railways Act, 1890, has occurred in the course of working a railway, the Agent or Manager shall cause an enquiry to be promptly made by a committee of railway officers (to be called a "joint enquiry") for the thorough investigation of the causes which led to the accident: (IX of 1890.)

Provided that such enquiry may be dispensed with :—

(a) if an enquiry is to be held by the Government Inspector under rule 6;

(b) if the accident has not been attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property; or

(c) if there is no reasonable doubt as to the cause of the accident; or

(d) if one department of the railway intimates that it accepts all responsibility in the matter.

(2) Where such enquiry is dispensed with, it shall be the duty of the head of the department of the railway responsible for the accident to make such enquiry (to be called a "departmental enquiry") as he may consider necessary, and if his staff or the system of working is at fault, to adopt or suggest such measures as he may consider expedient for preventing a recurrence of similar accidents.

18. (1) Whenever a joint enquiry is to be made, the Agent or Manager shall cause notice of the date and hour at which the enquiry will commence to be given to the following officers, namely :—

(a) the District Magistrate of the district in which the accident occurred, or such other officer as the Local Government may appoint in this behalf, the Superintendent of Railway Police and the District Superintendent of Police;

(b) the Government Inspector appointed under sub-section (1) of section 4 of the Indian Railways Act, 1890, for the section of the railway on which the accident occurred; and (IX of 1890.)

(c) the officer-in-charge of the railway police, or if there are no railway police, the officer-in-charge of the police-station in the jurisdiction of which the accident occurred.

(2) The date and hour at which the enquiry will commence shall be fixed, so as to give the officers mentioned in sub-rule (1) sufficient time to reach the place where the enquiry is to be held.

19. (1) As soon as any joint or departmental enquiry has been completed the President of the Committee or the head of the department, as the case may be, shall send to the Agent or Manager a report which in the case of all accidents of the nature described in the explanation to rule 5 must be submitted in the form prescribed by sub-rule (1) of rule 8.

(2) The Agent or Manager shall forward, with his remarks as to the action it is intended to take in regard to the staff responsible for the accident, or for the revision of the rules or the system of working, a copy of such report—

(a) to the official mentioned in clause (b) of sub-rule (1) of rule 18; and

(*b*) if no enquiry or investigation has been made under rule 20 or if a joint or departmental enquiry has been held first, to the Magistrate or officer appointed under clause (*a*) of sub-rule (1) of rule 18 ; and

(*c*) if any judicial enquiry is being made, to the Magistrate making such enquiry.

(3) Such copy shall be accompanied in the case referred to in clause (*b*) of sub-rule (2), by a statement of the persons, if any, whom the Agent or Manager desires to prosecute, and in the case referred to in clause (*c*) of the same sub-rule, by a copy of the evidence taken at the enquiry.

Duties of Magistrates.

20. Whenever an accident, such as is described in section 83 of the Indian Railways Act, 1890, has occurred in the course of working a railway, the District Magistrate, or any other Magistrate who may be appointed in this behalf by the Local Government may, either— (IX of 1890)

(*a*) himself make an enquiry into the causes which led to the accident ; or

(*b*) depute a subordinate Magistrate, who, if possible, should be a Magistrate of the first class, to make such an enquiry ; or

(*c*) direct an investigation into the causes which led to the accident to be made by the police.

21. Whenever it is decided to make an enquiry under clause (*a*) or clause (*b*) of rule 20, District Magistrate or other Magistrate appointed as aforesaid or the Magistrate deputed under clause (*b*) of rule 20, as the case may be, shall proceed to the scene of the accident and conduct the enquiry there, and shall at once advise the Agent or Manager of the railway and the Government Inspector by telegraph of the date and hour at which the enquiry will commence, so as to enable the railway administration to summon the requisite expert evidence.

22. A Magistrate making an enquiry under rule 20 may summon any railway servant and any other person whose presence he may think necessary, and, after taking the evidence and completing the enquiry, shall, if he considers there are sufficient grounds for a judicial enquiry, take the requisite steps for bringing to trial any person whom he may consider to be criminally liable for the accident. Whenever technical points are involved, the Magistrate should call for the opinion of the Government Inspector or other professional persons.

23. The result of every enquiry or investigation made under rule 20 shall be communicated by the Magistrate to the Agent or Manager of the railway and to the Government Inspector.

24. If in the course of any judicial enquiry, into an accident occurring in the course of working a railway, the Magistrate desires the assistance of the Government Inspector or of the Agent or Manager of the railway, or the attendance of any officer of the railway, to explain any matter relating to railway supervision, management or working, he will issue a requisition to the Agent or Manager for the attendance at court of an officer competent to explain such matter, stating at the same time the nature of the assistance required. In summoning railway servants, the Magistrate will take care not to summon so large a number of the employees, specially of one class, on the same day, as to cause inconvenience to the working of the railway. In the case of very serious accidents it will generally be advisable for the Magistrate to obtain a report from both the Government Inspector and the Agent or Manager of the railway in regard to the accident before finally concluding the judicial enquiry.

25. On the conclusion of any such judicial enquiry the Magistrate shall send a copy of his decision to the Agent or Manager of the railway, and to the Government Inspector and shall, unless in any case he thinks it unnecessary to do so, report the result of the enquiry to the Local Government.

Duties of Police Officers.

26. (1) The railway police may make an investigation into the causes which led to any accident occurring in the course of working a railway and shall do so—

(*a*) whenever any such accident is attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property, or has *primâ facie* been due to any criminal act or omission ; or

(*b*) whenever the District Magistrate or the Magistrate appointed under rule 20 has given a direction under clause (*c*) of that rule :

Provided that no such investigation shall be made when an enquiry has been commenced or ordered under clause (*a*) or clause (*b*) of rule 20.

(2) The railway police shall report, with as little delay as possible, to the nearest Station-master or, where there is no Station-master, to the railway servant in charge of the

section of the railway on which the accident has occurred, every accident which may come to their notice occurring in the course of working a railway attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property, or which has *primâ facie* been due to any criminal act or omission.

27. (1) Whenever an investigation is to be made by the railway police—

(*a*) in a case in which an accident is attended with loss of human life or with grievous hurt as defined in the Indian Penal Code or with serious injury to property ; or

(*b*) in pursuance of a direction given under clause (*c*) of rule 20,

the investigation shall be conducted by the officer-in-charge of the railway police, or, if that officer should be unable to conduct the investigation himself, then by an officer to be deputed by him.

(2) The officer deputed under sub-rule (1) shall ordinarily be the senior officer available, and shall whenever possible be a Gazetted officer, and shall in no case be of rank lower than that of Inspector :

Provided that if the accident has not been attended with loss of life or grievous hurt and if there is no suspicion of any neglect of rules on the part of any servant of the railway the investigation may be carried out by an officer-in-charge of a police station.

28. The officer who is to conduct an investigation in pursuance of rule 27 shall proceed without delay to the scene of the accident and conduct the investigation there, and shall at once advise the Agent or Manager of the railway and the Traffic Officer of the district by telegraph of the date and hour at which the investigation will commence so that, if possible, the presence of a railway official may be arranged for to watch the proceedings and to aid the officer making the investigation. The absence of a railway official must not, however, be allowed to delay the investigation, which should be made as soon as possible after the accident has taken place.

29. (1) In every case to which rule 27 applies, immediate information shall be given by the railway police to the district police, who, if so required, shall afford all necessary assistance, and shall, if occasion arise, carry the investigation beyond the limits of the railway premises. But the railway police are primarily entrusted with the duty of carrying on the investigation within such limits.

(2) Subject to any provisions elsewhere contained in these rules, the further prosecution of the case, on the conclusion of the police investigation, shall rest with the railway police.

30. The result of every police investigation shall be reported at once to the District Magistrate or other officer appointed in this behalf by the Local Government to the Agent or Manager of the railway or other officer appointed by him, and to the Government Inspector.

31. Where there are no railway police, the duties imposed by rules 23, 27 and 28, sub-rule (2) of rule 29, and rule 30 on the railway police, or on the officer-in-charge of the railway police, shall be discharged by the district police or by the District Superintendent of Police, as the case may be.

R. H. CASEMENT,

Offg. Secretary, Railway Board.

DEPARTMENT OF INDUSTRIES.

NOTIFICATIONS.

Delhi, the 24th March 1923.

No. M.-257.—Mr. R. R. Simpson, M.Sc., Chief Inspector of Mines in India, is granted leave on average pay for eight months (including privilege leave for 2 months and 6 days), with effect from the 12th April 1923 or the subsequent date on which he may avail himself of it.

No. M.-257.—Mr. D. Penman, B.Sc. (Hons.), M.I.M.E., Officiating Inspector of Mines in India, No. 1 Circle, is appointed to officiate as Chief Inspector of Mines in India, *vice* Mr. R. R. Simpson.

No. M.-257.—Mr. W. Kirby, B.Sc., Junior Inspector of Mines in India, is appointed to officiate as Inspector of Mines in India, *vice* Mr. D. Penman.

A. H. LEY,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," EXTRAORDINARY, DELHI, THURSDAY, MARCH 29, 1923.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

Delhi, the 29th March 1923.

The following Act made by the Governor General under the provisions of section 67-B of the Government of India Act is hereby published for general information :—

An Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the duty leviable on certain articles under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax.

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the duty leviable on certain articles under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax ; It is hereby enacted as follows :— VIII of 1894. VI of 1898. X of 1923.

Short title, extent and duration.

1. (*1*) This Act may be called the Indian Finance Act, 1923.

(*2*) It extends to the whole of British India, including the Sonthal Parganas and British Baluchistan.

(*3*) Sections 2, 4 and 6 shall remain in force only up to the 31st day of March, 1924.

Fixation of salt duty.

2. (*1*) The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Governor General in Council to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India other than Burma and Aden, be construed as if, with effect from the first day of March, 1923, they imposed such duty at the rate of two rupees and eight annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section. XII of 1882.

(*2*) With effect from the first day of March, 1923, section 2 of the Indian Finance Act, 1922, is hereby repealed. XII of 1922.

Amendment of Act VIII of 1894.

3. (*1*) In chedule II to the Indian Tariff Act, 1894, the amendments specified in the First Schedule to this Act shall be made. VIII of 1894.

(*2*) In Schedule III to the same Act, in item No. 3, for the entry in the fourth column the entry "5 per cent." shall be substituted.

(*3*) The amendments made in the Indian Tariff Act, 1894, by this section shall have effect from the first day of March, 1923. VIII of 1894.

Postal rates.

4. With effect from the first day of April, 1923, the Schedule contained in the Second Schedule to this Act shall be inserted in the Indian Post Office Act, 1898, as the First Schedule to that Act. VI of 1898.

Amendment of Act X of 1923.

5. In sub-section (7) of section 19 of the Indian Paper Currency Act, 1923, for the figures "1923" the figures "1924" shall be substituted. X of 1923.

Income-tax and super-tax.

6. (*1*) Income-tax for the year beginning on the first day of April, 1923, shall be charged at the rates specified in Part I of the Third Schedule.

(*2*) The rates of super-tax for the year beginning on the first day of April, 1923, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922, be those specified in Part II of the Third Schedule. XI of 1922.

(*3*) For the purposes of the Third Schedule, "total income" means total income as defined in clause (*15*) of section 2 of the Indian Income-tax Act, 1922. XI of 1922.

SCHEDULE I.

Amendments to be made in Schedule II to the Indian Tariff Act, 1894.

[*See section 3 (1).*]

1. In Item No. 4, after the words "all sorts" the words "except ochres and other pigment ores" shall be added.

2. For Item No. 14 the following shall be substituted, namely:—

"CINCHONA BARK and the alkaloids extracted therefrom including QUININE."

3. In Item No. 29, for the words "spirit, which has been rendered effectually and permanently unfit for human consumption" the words "Denatured Spirit" shall be substituted.

4. In Item No. 30, to the entry in the fourth column the words "or 15 per cent *ad valorem*, whichever is higher" shall be added.

5. In Item No. 31, the following shall be added to each of the entries in the fourth column, namely:—

"or 15 per cent. *ad valorem*, whichever is higher."

6. In Item No. 34, in the second column, the words "and saccharine produce of all sorts" shall be omitted.

7. After Item No. 34 the following heading and items shall be inserted, namely:—

"	SACCHARINE.		
34 A.	SACCHARINE (except in tablets)	Pound ...	20 0
34 B.	SACCHARINE TABLETS	*Ad valorem* ...	25 per cent. or Rs. 20 per pound of saccharine contents, whichever is higher."

8. In Item No. 43, for the entry in the fourth column, the following shall be substituted, namely:—"24-0 or 15 per cent. *ad valorem*, whichever is higher."

9. For Item No. 51 the following items shall be substituted, namely:—

"51 MACHINERY, namely, such of the following articles as are not specified in any of the following numbers, namely, Nos. 15, 16, 53, 54, 55, 87, 90-A., 96, 103, 111 and 127:—

(1) prime-movers, boilers, locomotive engines and tenders for the same, portable engines (including power-driven road rollers, fire engines and tractors), and other machines in which the prime-mover is not separable from the operative parts;

(2) machines and sets of machines to be worked by electric, steam, water, fire or other power, not being manual or animal labour, or which before being brought into use require to be fixed with reference to other moving parts;

(3) apparatus and appliances, not to be operated by manual or animal labour, which are designed for use in an industrial system as parts indispensable for its operation and have been given for that purpose some special shape or quality which would not be essential for their use for any other purpose;

(4) control gear, self-acting or otherwise, and transmission-gear designed for use with any machinery above specified, including belting of all materials and driving chains but not driving ropes;

(5) bare hard-drawn electrolytic copper wires and cables and other electrical wires and cables, insulated or not; and poles, troughs, conduits and insulators designed as parts of a transmission system, and the fittings thereof.

Note.—The term "industrial system" used in sub-clause (3) means an installation designed to be employed directly in the performance of any process or series of processes necessary for the manufacture, production or extraction of any commodity.

51-A COMPONENT PARTS OF MACHINERY, as defined in No. 51, namely, such parts only as are essential for the working of the machine or apparatus and have been given for that purpose some special shape or quality which would not be essential for their use for any other purpose:

Provided that articles which do not satisfy this condition shall also be deemed to be component parts of the machine to which they belong if they are essential to its operation and are imported with it in such quantities as may appear to the Collector of Customs to be reasonable."

10. Item No. 52 and the heading thereto shall be omitted.

11. Item No. 56 shall be omitted.

12. For Item No. 61 the following shall be substituted, namely :—

" 61	IRON OR STEEL, anchors and cables.
" " "	beams, joists, pillars, girders and other structural shapes, whether fabricated or not, screw piles, bridge work and other descriptions of iron or steel not ordinarily used for other than building purposes ; including ridging, guttering, flashing and continuous roofing ; also including expanded metal and other descriptions of iron or steel designed for use in the reinforcing of concrete ; but not including builders' hardware, that is to say, grates, stoves, ventilators, door and window fittings and the like ; (*See* No. 90.)
" " "	bolts and nuts, including hook-bolts and nuts for roofing.
" " "	hoops and strips.
" " "	nails, rivets and washers, all sorts.
" " "	pipes and tubes and fittings therefor, that is to say, bends, boots, elbows, tees, sockets, flanges, plugs, valves, cocks and the like.
" " "	rails, chairs, sleepers, bearing and fish-plates, spikes (commonly known as dog-spikes), switches and crossings, other than those described in No. 63, also lever-boxes, clips and tie-bars.
" " "	sheets and plates, all sorts, whether fabricated or not, including discs and circles.
" " "	wire, including fencing-wire, piano-wire and wire-rope, but excluding wire netting (*See* No. 97)."

13. In Item No. 63, the words " engines, tenders " shall be omitted, and for the second proviso, the following proviso shall be substituted, namely :—

" Provided also that nothing shall be deemed to be dutiable hereunder which is dutiable under No. 51 or No. 51-A."

14. After Item No. 63 the following item shall be inserted, namely :—

"63-A. COMPONENT PARTS OF RAILWAY MATERIALS, as defined in No. 63, namely, such parts only as are essential for the working of railways and have been given for that purpose some special shape or quality which would not be essential for their use for any other purpose :

Provided that articles which do not satisfy this condition shall also be deemed to be component parts of the railway material to which they belong, if they are essential to its operation and are imported with it in such quantities as may appear to the Collector of Customs to be reasonable."

15. To Item No. 64 the following proviso shall be added, namely :—

" Provided that articles of machinery as defined in No. 51 or No 51-A shall, when separately imported, not be deemed to be included hereunder."

16. For Item No. 87 and the heading thereto the following shall be substituted, namely :—

CONVEYANCES.

" 87 CONVEYANCES, including tramcars, motor-omnibuses, motor-lorries, motor-vans, passenger lifts, carriages, carts, jinrikshas, bath-chairs, perambulators, trucks, wheel barrows, bicycles, tricycles and all other sorts of conveyances not otherwise specified, and component parts and accessories thereof, except such parts and accessories of the motor vehicles above-mentioned as are also adapted for use as parts or accessories of motor cars, motor cycles or motor scooters (*See* No. 127)."

17. After Item No. 90 the following item shall be inserted, namely :—

"90-A ELECTRICAL CONTROL GEAR AND TRANSMISSION GEAR, namely, switches, fuses and current-breaking devices of all sorts and descriptions, designed for use in circuits of less than ten *amperes* and at a pressure not exceeding 250 volts, and regulators for use with motors designed to consume less than 187 watts ; bare or insulated copper wires and cables, any one core of which has a sectional area of less than one-eightieth part of a square inch, and wires and cables of other metals of not more than equivalent conductivity ; and line insulators, including also cleats, connectors, leading-in tubes and the like, of types and sizes such as are ordinarily used in connection with the transmission of power for other than industrial purposes, and the fittings thereof."

18. To Item No. 96 the following shall be added, namely :—

" and any machines (except such as are designed to be used exclusively in industrial processes) which require for their operation less, than one quarter of one brake-horse-power."

19. In Item No. 103, after the word " tiles " the words " firebricks not being component parts of any article included in No. 51 or No. 63 " shall be inserted, and after the word " specified " the words " including bitumen and other insulating materials " shall be added.

20. In Item No. 127, the words " bicycles and tricycles " and the words " or of bicycles or tricycles " shall be omitted.

21. To Item No. 130 the words " and parts thereof " shall be added.

22. In Item No. 139, the word " and " shall be inserted after the word " cycles " and the words " bicycles and tricycles " shall be omitted.

SCHEDULE II.

Schedule to be inserted in the Indian Post Office Act, 1898.

(*See section 4.*)

"THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

(*See section 7.*)

Letters.

For a weight not exceeding two and a half tolas	One anna.
For every two and a half tolas, or fraction thereof, exceeding two and a half tolas	One anna.

Postcards.

Single	Half an anna.
Reply	One anna.

Book, Pattern and Sample Packets.

For every five tolas or fraction thereof...	Half an anna.

Registered Newspapers.

For a weight not exceeding eight tolas	Quarter of an anna.
For a weight exceeding eight tolas and not exceeding twenty tolas	Half an anna.
For every twenty tolas, or fraction thereof, exceeding twenty tolas	Half an anna.

Parcels.

For a weight not exceeding twenty tolas	Two annas.
For a weight exceeding twenty tolas and not exceeding forty tolas	Four annas.
For every forty tolas, or fraction thereof, exceeding forty tolas...	Four annas."

SCHEDULE III.

(*See section 6.*)

PART I.

Rates of Income-tax.

	Rate.
A. In the case of every individual, every unregistered firm and every undivided Hindu family—	
(1) When the total income is less than Rs. 2,000	*Nil.*
(2) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000 ...	Five pies in the rupee.
(3) When the total income is Rs. 5,000 or upwards, but is less than Rs. 10,000	Six pies in the rupee.
(4) When the total income is Rs. 10,000 or upwards, but is less than Rs. 20,000	Nine pies in the rupee.
(5) When the total income is Rs. 20,000 or upwards, but is less than Rs. 30,000	One anna in the rupee.
(6) When the total income is Rs. 30,000 or upwards, but is less than Rs. 40,000	One anna and three pies in the rupee.
(7) When the total income is Rs. 40,000 or upwards	One anna and six pies in the rupee.
B. In the case of every company, and every registered firm, whatever its total income.	One anna and six pies in the rupee.

PART II.

Rates of Super-tax.

In respect of the excess over fifty thousand rupees of total income :—	Rate.
(1) in the case of every company	One anna in the rupee.
(2) (*a*) in the case of every Hindu undivided family—	
(*i*) in respect of the first twenty-five thousand rupees of the excess ...	*Nil.*
(*ii*) for every rupee of the next twenty-five thousand rupees of such excess...	One anna in the rupee.
(*b*) in the case of every individual and every unregistered firm, for every rupee of the first fifty thousand rupees of such excess.	One anna in the rupee.
(*c*) in the case of every individual, every unregistered firm, and every Hindu undivided family—	
(*i*) for every rupee of the second fifty thousand rupees of such excess ...	One and a half annas in the rupee.
(*ii*) for every rupee of the next fifty thousand rupees of such excess ...	Two annas in the rupee.

	Rate.
(*iii*) for every rupee of the next fifty thousand rupees of such excess ...	Two and a half annas in the rupee.
(*iv*) for every rupee of the next fifty thousand rupees of such excess ...	Three annas in the rupee.
(*v*) for every rupee of the next fifty thousand rupees of such excess ...	Three and a half annas in the rupee.
(*vi*) for every rupee of the next fifty thousand rupees of such excess ...	Four annas in the rupee.
(*vii*) for every rupee of the next fifty thousand rupees of such excess ..	Four and a half annas in the rupee.
(*viii*) for every rupee of the next fifty thousand rupees of such excess ...	Five annas in the rupee.
(*ix*) for every rupee of the next fifty thousand rupees of such excess ...	Five and a half annas in the rupee.
(*x*) for every rupee of the remainder of the excess	Six annas in the rupee.

READING,

Viceroy and Governor General.

The 29th March 1923.

This Act has been made by me as Governor General under the provisions of section 67B of the Government of India Act.

READING,

Viceroy and Governor General.

The 29th March 1923.

WHEREAS I, Rufus Daniel, Earl of Reading, am of opinion that a state of emergency exists which justifies a direction by me that the Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the duty leviable on certain articles under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax, being an Act made by me under the provisions of section 67B of the Government of India Act, shall come into operation forthwith,

NOW THEREFORE, in exercise of the power conferred by the proviso to sub-section (2) of that section, I do hereby direct accordingly.

READING,

Viceroy and Governor General.

The 29th March 1923.

L. GRAHAM,

Offg. Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

ACCOUNTS AND FINANCE.

ESTIMATES AND ACCOUNTS.

Delhi, the 29th March 1923.

No. 562-F.—The following statement is published for general information :—

A statement by the His Excellency the Governor General of the reasons which moved him to pass an order under section 67B of the Government of India Act for certification of the Indian Finance Bill as originally introduced in the Legislative Assembly, providing for an increase in the existing salt duty for one year (*i. e.*) till the 31st March 1924, to a rate of Rs. 2-8 a maund.

E. M. COOK,

Secretary to the Government of India.

STATEMENT.

In the course of debates on the Finance Bill I was deeply concerned to find that I and my Government were in disagreement with the majority of the Legislative Assembly in regard to the necessity of imposing an increase in the salt tax from Re. 1-4-0 to Rs. 2-8 per maund in order to balance the budget and produce financial equilibrium. The Bill as introduced with this provision was not passed by the Legislative Assembly in the form proposed by my Government. It was recommended by me, in the original form proposed, to the Council of State where it was passed by a majority of 18 votes. It was returned to the Legislative Assembly in the form recommended to the Council of State and rejected by a majority of 11 votes. I have a high respect for the convictions of the Legislative Assembly, but after careful consideration I find I cannot subscribe to them; and I have decided to exercise the special powers with which I have been invested by His Majesty's Government under the provisions of section 67B of the Government of India Act and to certify the Bill. I have arrived at this decision after much anxious thought and deliberation and I desire to make clear my reasons for taking this action.

Ever since I came to India and learnt the financial conditions I have been deeply impressed by the imperative necessity of placing India's finances on a sound basis and have kept this object continually in view. The first budget after my arrival was that of 1922-23. I then learnt that there had been cumulative deficits in the four preceding years totalling 90 crores. Heavy increases of taxation had been imposed by my predecessor's Government in 1921-22 in order to balance the budget. Taxation had again to be enhanced by my Government in 1922-23 and an increase was also made in the postal and railway charges. It will be remembered that at that time my Government also proposed to double the salt duty. The Legislative Assembly rejected this proposal; I accepted their decision and did not certify the necessary legislation for the purpose. Without dwelling in detail on my reasons it will suffice to mention (*a*) that my Government were deeply impressed with the need urged by the Legislature for retrenchment in both military and civil expenditure as a necessary step to precede any further taxation of this nature; (*b*) that food prices were then high and wheat in particular exceptionally high. When we came to frame the budget of the present year we found that notwithstanding the admirable work accomplished by Lord Inchcape and his Committee, and after making very far-reaching reductions in expenditure, we had again to face a deficit not so large indeed as last year, but nevertheless amounting to nearly four crores. We have striven our utmost to restore equilibrium by scrutiny of estimates of revenue and expenditure but have failed. Speaking with all the responsibility falling on me and my Government I am convinced that the position cannot be ameliorated by any addition however tempting in appearance to revenue or by any deduction from expenditure.

My Government held that in view of the past accumulated deficits it was essential in the interests of India to balance its budget. It had every reason to look for the support of the public and the Legislature in this view. Ever since my arrival in this country the Legislature, all sections of the press and public men in deputations, addresses, and speeches have insistently urged on me the vital necessity of securing financial equilibrium. In addition representations had persistently been made that the Government of India should balance its budget in order that it might begin to remit the contributions of 9¼ crores from the provincial Governments to the Government of India, a matter vitally important to the progress of those departments which have, under the Reforms Scheme, been committed to the charge of Ministers.

The rehabilitation of India's credit by presenting a balanced budget was not a measure which could be delayed. The need for large capital funds for material development obliges the Indian Government to enter the money market for considerable sums both in England and India; it would be in the highest degree unfortunate if it had been obliged to present a deficit for the sixth year in succession, and when the circumstances no longer permitted a hope that the deficit was purely temporary or was one which would yield to a determined effort at retrenchment. Reductions have been made in military charges which seemed incredible a year ago. The Government of India have stated that in making these reductions we are taking military risks, but we feel that we are justified by the financial stringency. His Majesty's Government have agreed in principle to the reductions. In the civil department similar retrenchments of a far-reaching character have been accepted. If after making these efforts we still had to present a deficit, there was every possibility that the fact would react on our position as a borrower. Our hopes for a gradual reduction in our interest charges would be frustrated with results damaging not only to India's progress as a country, but to every industrial and trading interest in the land. The provinces have now their own commitments for capital expenditure on their material development. Their interests would suffer even more severely than those of the Central Government in proportion as their resources are more limited.

The most careful and anxious consideration was given to the possibility of finding an alternative to the salt tax as a means of raising the additional revenue necessary to attain equilibrium. No alternative presented itself to Government nor indeed, when the matter came to be discussed, to the Legislature. The reason is obvious. Those engaged in trade and industry have had laid upon them heavy increases in taxation during recent years. Postal and railway rates have been enhanced. The burden thus placed on commerce and industry will require time for adjustment, and further taxation in these directions would have failed to provide the sum required. I have myself given most careful consideration to the objections which appear to exist against the enhancement of the salt tax whether on economic grounds or those of sentiment. The tax is said to have historic unpopularity; but it existed before British rule. In the period from 1861-1877 it stood in Northern India at Rs. 3. In 1878 the rate was Rs. 2-12-0. From 1879-1881 and again from 1888-1902 it stood at Rs. 2-8-0 and since 1916 it has been at Re. 1-4-0. The objection is thus not to the tax itself but to its present enhancement. Every increase in the rate of a tax is unpopular; yet it must be remembered that it has been collected in the ordinary way at the enhanced rate throughout British India since the 1st of March of this year. The economic arguments against the tax appear to stand on shadowy foundations. Perhaps never in the recent history of India has there been a year in which such enhancement will press more lightly on the poor. Wages are still on a favourable basis; but prices of food-stuffs have markedly fallen and with the abundant promise of a rich harvest around us may be expected to decrease still further. Even a slight fall in the prices of food-stuffs is of great importance to the poor family. The mill labourer is shown to spend approximately 56 per cent. of his income on food and of this amount salt represents only two-fifths of 1 per cent. The increase in salt tax must have an infinitesimal effect at a period such as this; prices of food-grains fell by 20 per cent. between October 1921 and December 1922: between January 1922 and 1923 retail prices of wheat fell by 100 per cent. in important centres of Northern India.

These considerations were duly laid before the Legislative Assembly. That body had from the first admitted in principle the paramount necessity of balancing the budget. Many of the members had emphasised the need of regaining equilibrium as a necessary preliminary to fulfilling our obligations in regard to the gradual reduction of provincial contributions; and it is indeed obvious that no step in this direction can be taken so long as the finances of the Central Government are in deficit. The Assembly was unable to agree on the adoption of any alternative form of taxation which would secure the full amount required. Nevertheless, it rejected the proposal for an enhancement of the salt tax. It was in these circumstances that it became my duty to certify the measure. It must be clearly understood that my action merely imposes an enhancement, of the tax until March 31st, 1924, when the matter must again come before the Legislature. It will then have had a year's experience of the operation of the tax, and it will be in a position to determine whether, in view of the condition of the country and having regard to our obligations to the provinces, it will vote for its retention.

I hold strict views regarding the exercise of my special powers; their use can only be justified, in the words of the Government of India Act, when it is essential for the interests of British India. This requirement has throughout been present to my mind. In the present case the interests of India only and no other interests are in question. A balanced budget is absolutely essential to her interests at the present time, and I believe that it is my duty to take the necessary action to secure this in the discharge of the responsibility placed upon me as Governor General by the Imperial Parliament.

It may be that the scheme of reforms introduced by the Government of India Act will be attacked on account of the action taken by me. This would be unfortunate and could only be due to misapprehension; for the constitution is embodied in the Act, and I do not believe that there is any substantial difference as regards the meaning of the important provisions under which I am acting. Unbalanced budgets appear to me to involve dangers to the future of India perhaps inherently greater than any constitutional or political issue, while their immediate effect is to stifle the development in the provision of all those beneficent activities, *e.g.*, Education, Public Health, Industry, which should be the first fruits of the reforms. I am convinced therefore that my action will prove of ultimate benefit in the development of the reforms and the advancement of India and for these I shall continue to labour in the discharge of the high responsibilities entrusted to me as Governor General.

READING,

Viceroy and Governor General.

The 29th March 1923.

FROM THE "GAZETTE OF INDIA" MARCH 31, 1923.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

ENGINEER ESTABLISHMENT.

Delhi, the 28th March 1923.

No. 10.—The undermentioned gentlemen have been appointed by His Majesty's Secretary of State for India as Assistant Executive Engineers to the Indian Service of Engineers in the Punjab, with effect from the dates noted against each :—

Names.	Dates.
Lala Sundar Das Khangar	19th November 1921.
Lala Balkishan Kapur	22nd November 1921.
Lala Prem Chand Puri	24th October 1922.
Lala Hakim Rai	17th October 1922.

S. D'A. CROOKSHANK, *Colonel,*

Secretary to the Government of India.

DEPARTMENT OF EDUCATION AND HEALTH.

NOTIFICATION.

MEDICAL.

Delhi, the 26th March 1923.

No. 194.—Lieutenant-Colonel H. Ainsworth, M.B., F.R.C.S., I.M.S., Principal and Professor of Ophthalmology, King Edward Medical College, Lahore, is appointed to be Inspector General of Civil Hospitals, Bihar and Orissa, in succession to Colonel H. Austen Smith, C.I.E., M. B., K.H.S., I.M.S., with effect from the 3rd May 1923.

M. S. D. BUTLER,

Secretary to the Government of India.

ARMY DEPARTMENT.

Delhi, the 30th March 1923.

PART B.

CANTONMENTS.

TAXATION.

No. 487.—In exercise of the powers conferred by section 18 of the Cantonments Acts 1910 (XV of 1910), the Governor General in Council is pleased to exempt Government servants and all employés paid from the cantonment fund in the cantonment of Sialkot in the Lahore District from the operation of the tax imposed in the said cantonment by the notification of the Government of the Punjab in the Boards and Committees Department No. 26139, dated the 25th October 1921.

E. BURDON,

Secretary to the Government of India.

30 PGG -872-13 4-23 - SGPP Lahore

FROM THE "GAZETTE OF INDIA," MARCH 31, 1925.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

ENGINEER ESTABLISHMENT.

Delhi, the 28th March 1925.

No. 10.—The undermentioned gentlemen have been appointed by His Majesty's Secretary of State for India as Assistant Executive Engineers to the Indian Service of Engineers in the Punjab, with effect from the dates noted against each :—

Names.	Dates.
Lala Sundar Das Kharar	19th November 1924.
Lala Bal Kishan Kapur	22nd November 1924.
Lala Prem Chand Puri	24th October 1924.
Lala Rakha Ram	17th October 1924.

S. D'A. CROOKSHANK, *Colonel*,

Secretary to the Government of India.

DEPARTMENT OF EDUCATION AND HEALTH.

NOTIFICATION.

MEDICAL.

Delhi, the 26th March 1925.

No. 108.—Lieutenant-Colonel H. Ainsworth, M.B., F.R.C.S., I.M.S., Principal and Professor of Ophthalmology, King Edward Medical College, Lahore, is appointed to be Inspector-General of Civil Hospitals, Punjab and Orissa, in succession to Colonel H. Ainsworth, C.I.E., M.D., K.H.S., I.M.S., with effect from the 5th May 1925.

M. S. D. BUTLER,

Secretary to the Government of India.

ARMY DEPARTMENT.

Delhi, the 30th March 1925.

PART 3.

CANTONMENTS.

TAXATION.

No. 257.—In exercise of the powers conferred by section 18 of the Cantonments Act, 1910 (XV of 1910), the Governor General in Council is pleased to exempt Government servants and all employés paid from the cantonment fund in the cantonment of Sialkot in the Lahore District from the operation of the tax imposed in the said cantonment by the notification of the Government of the Punjab, in the Boards and Committees Department No. 24589, dated the 25th October 1924.

E. BURDON,

Secretary to the Government of India.

Registered No. L. 864.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, APRIL 27, 1923.

PART II.

Republications from the "Gazette of India.

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, APRIL 21,1923.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Simla, the 19th April, 1923.

No. F.-176-I-23.—In supersession of the Home Department notification No. F.-1144-Public, dated the 19th October 1922, the following draft of an amendment, which it is proposed to make, in exercise of the powers conferred by section 5 of the Indian Red Cross Society Act, 1920 (XV of 1920), read with section 21 of the General Clauses Act, 1897 (X of 1897), in the rules published with the Home Department notification No. 2777, dated the 22nd October 1920, is published for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Managing Body of the Indian Red Cross Society after the 7th May 1923. Any objections or suggestions which may be received with respect to the draft by that date will be considered by the said Managing Body.

Draft Amendment.

For rule 8 of the said rules the following rule shall be substituted, namely:—

"8. An Associate Member shall pay an annual subscription subject to a minimum of one rupee and a maximum of five rupees or a consolidated subscription of fifty rupees".

H. ROSS, *Lieutenant-Colonel, I.M.S.,*

Organising Secretary, Indian Red Cross Society.

C. W. GWYNNE,

Offg. Joint Secretary to the Government of India

1290 PGG

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 16th April, 1923.

No. 585-850-I.—In exercise of the power conferred by sub-section (4) of section 86 of the Code of Civil Procedure, 1908 (Act V of 1908), the Governor General in Council is pleased to direct that the following amendment shall be made in the second column of the Schedule annexed to the notification of the Government of India in the Foreign Department No. 749-I.B., dated the 27th March 1912, namely:—

"Against the entry "Punjab" in the first column of the Schedule,—

(*a*) the States "Bahawalpur, Bilaspur, Chamba, Faridkot, Jind, Kapurthala, Loharu, Malerkotla, Mandi, Nabha, Patiala, Sirmur (Nahan), Suket," shall be omitted; and

(*b*) the States "Delath, Dhadi, Ghund, Kaneti, Madhan, Ratish, Rawin, Theog" shall be inserted.

J. P. THOMPSON,
Secretary to the Government of India.

129 PGG—872—27-4-23—SGPP Lahore

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PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, APRIL 28, 1923.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Simla, the 26th April 1923.

No. 76.—The following notification by His Excellency the Viceroy and Governor General, dated the 25th April 1923, is published for general information :—

NOTIFICATION.

In pursuance of the provisions of sub-section (2) of section 67-B of the Government of India Act, I, Rufus Daniel, Earl of Reading, hereby notify that the assent of His Majesty to the Indian States (Protection against Disaffection) Act, 1922, has been signified by an Order of His Majesty in Council, dated the 12th day of March, 1923.

READING,

The 25th April, 1923. *Viceroy and Governor General.*

No. 77.—The following Order in Council is published for general information :—

AT THE COURT AT BUCKINGHAM PALACE.

The 12th day of March 1923.

PRESENT.

THE KING'S MOST EXCELLENT MAJESTY.

Lord President. Sir John Baird, Bt.

Sir Frederick Ponsonby. Mr. Neville Chamberlain.

WHEREAS the Governor-General of India has, under Section 67 B of the Government of India Act, certified that the passage of a Bill entitled The Indian States (Protection against Disaffection) Act, 1922, is essential for the interest of British India ;

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AND WHEREAS the said Bill, having been consented to by the Council of State, has under the said Section become an Act upon the signification of the Governor-General's consent thereto, and the said Act is expressed to be made by the Governor-General:

AND WHEREAS copies of the said Act have been laid before each House of Parliament for not less than eight days on which that House has sat:

AND WHEREAS the said Act has been laid before His Majesty in Council, and it is expedient that it should be assented to by His Majesty:

NOW, THEREFORE, His Majesty doth, by this present Order, by and with the advice of His Privy Council, declare His assent to the said Act.

Almeric FitzRoy.

L. GRAHAM,

Offg. Secretary to the Government of Indi

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATIONS.

Simla, the 24th April, 1923.

No. 646-167-I.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Schedule attached to Notification of the Government of India in the Foreign Department, No. 648-I. B, dated the 31st March 1913, namely:—

In the said Schedule, the words "Loharu" and "Sirmur (Nahan)" against the entry "The Commissioner, Ambala Division" the words "Kapurthala", "Mandi" and "Suket" against the entry "The Commissioner, Jullundur Division", the entry "The Commissioner, Lahore Division" and the word "Chamba" against that entry, and the word "Bilaspur" against the entry "The Superintendent, Simla Hill States" shall be omitted.

No. 647-167-I.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased, in supersession of the notification of the Government of India in the Foreign and Political Department No. 741-I-B., dated the 7th May 1914, to appoint the officers for the time being holding the offices specified in the first column of the Schedule hereto annexed, being European British subjects, to be Justices of the Peace within the territories of the States entered in the second column of the Schedule opposite their respective names, and to direct that the High Court of Judicature at Lahore shall be the Court to which such officers shall commit European British subjects for trial.

SCHEDULE.

The Agent to the Governor-General, Punjab States.	Bahawalpur. Bilaspur. Chamba. Faridkot. Jind. Kapurthala. Loharu. Malerkotla. Mandi. Nabha. Patiala. Sirmur. Suket.
The Commissioner, Ambala Division ...	Dujana. Kalsia. Pataudi.
The Superintendent, Simla Hill States ...	Baghal. Baghat. Balsan Bashahr. Bhajji. Bija. Darkuti. Delath. Dhadi. Dhami,

The Superintendent, Simla Hill States—(*concld.*

- Ghund.
- Jubbal.
- Kanethi.
- Keonthal.
- Kothar.
- Koti.
- Kumharsain.
- Kunhiar.
- Madhan.
- Mailog.
- Mangal.
- Nalagarh (Hindur).
- Ratesh.
- Rawin.
- Sangri.
- Taroch.
- Theog.

No. 648-167-I.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Schedule to the notification of the Government of India in the Foreign Department No. 784-I.B., dated the 9th April 1913, applying the provisions of the Indian Railways Act, 1890 (IX of 1890), and of the Indian Railway Board Act, 1905 (IV of 1905), to the lands occupied by certain railways in Indian States, namely :—

For the corresponding entries in columns 2 and 3 of the said Schedule relating to the railways named in column 1, the following shall be substituted, namely :—

Railway.		State.	Local Government.
	Main Line.		
Bombay, Baroda and Central India Railway System	Sabarmati-Delhi ...	Nabha ...	The Agent to the Governor-General, Punjab States.
		Pataudi ...	The Government of the Punjab.
East Indian Railway System.	*Rewari-Bhatinda-Fazilka Section.*	Dujana ...	The Government of the Punjab.
		Jind ...	The Agent to the Governor-General, Punjab States.
		Patiala ...	
		Faridkot ...	
		Nabha ...	
	Rewari-Phulera Chord ...	Nabha ...	Ditto ditto.
		Patiala ...	
	Delhi-Ambala-Kalka Railway.		
	Ambala-Kalka ...	Patiala ...	Ditto ditto.
		Kalsia ...	The Government of the Punjab.
	Jind-Panipat Railway ...	Jind ...	The Agent to the Governor-General, Punjab States.
Jodhpur-Bikaner Railway System.	Jodhpur-Bikaner Railway Bhatinda-Bikaner frontier	Patiala ...	The Agent to the Governor-General, Punjab States.
North-Western Railway System.	North-Western Railway.		
	Main Line.		
	Ambala Amritsar ...	Patiala ...	Ditto ditto.
		Nabha ...	
		Kapurthala ...	
	Raewind-Bhatinda Branch.	Faridkot ...	Ditto ditto.
		Nabha ...	
		Patiala ...	
	Kalka-Simla Railway ...	Patiala ...	Ditto ditto.
		Baghat ...	The Government of the Punjab.
		Keonthal ...	

Railway.		State.	Local Government.
North-Western Railway System—*contd.*	*Raewind-Bhatinda Branch (contd.)* Ludhiana-Dhuri Jakhal Railway.	MalerKotla ... Patiala ... Nabha ... Jind ...	The Agent to the Governor-General, Punjab States.
	Rajpura-Bhatinda Railway	Patiala ... Nabha ...	Ditto ditto.
	Southern Punjab Railway *Main Line.*		
	Rohtak-Bhatinda-Samasata	Jind Patiala ... Bikaner ... Bahawalpur ...	Ditto ditto.
	Ludhian Extension. McLeodganj-Fazilka ...	Bahawalpur ...	Ditto ditto.
	Narwana-Kaithal Branch	Patiala ...	Ditto ditto
	Jullundur Doab Railway	Kapurthala ...	Ditto ditto.
	Phagwara-Rahon Railway	Ditto	

J. P. THOMPSON,
Secretary to the Government of India.

Registered No. L. 864.

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PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SATURDAY, APRIL 14, 1923.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Simla, the 11th April 1923.

No. F.-274.—In continuation of the Home Department notification No. F.-274-Public, dated the 17th August 1922, the following revised ninth Note to the Warrant of Precedence for India, which has been approved by His Majesty the King-Emperor of India and which has received His Royal Sign Manual, is published for general information :—

GEORGE R.I.

George V., by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, Emperor of India.

To all to whom these presents shall come :—

WHEREAS it hath been represented to Us that it is expedient that the ninth Note to Our Royal Warrant dated the 9th day of February 1922, regulating the rank and precedence of persons holding appointments in India, should be altered, We do therefore declare that it is Our will and pleasure that in lieu of the said Note contained in Our said recited Warrant the following Note shall be henceforth observed with respect to the rank and precedence of persons therein named, namely :—

9. The following may be given by courtesy precedence as shown below, provided that they do not hold appointments in India :—

Peers according to their precedence in England. Knights of the Garter, the Thistle and St. Patrick. Privy Councillors. Members of the Council of the Secretary of State for India.	Immediately after Members of the Governor-General's Executive Council, Article 9.

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Baronets of England, Scotland, Ireland and the United Kingdom, according to date of Patents. Knights Grand Cross of the Bath. Knights Grand Commander of the Star of India. Knights Grand Cross of St. Michael and St. George. Knights Grand Commander of the Indian Empire. Knights Grand Cross of the Royal Victorian Order. Knights Grand Cross of the Order of the British Empire.	Immediately after the Commissioner in Sind, Article 15.
Knights Commander of the Bath. Knights Commander of the Star of India. Knights Commander of St Michael and St. George. Knights Commander of the Indian Empire. Knights Commander of the Royal Victorian Order. Knights Commander of the Order of the British Empire. Knights Bachelor.	Immediately after Residents of the 2nd Class, Article 31.

Given at Our Court at Buckingham Palace this twenty-sixth day of February, in the year of Our Lord one thousand nine hundred and twenty-three, and in the thirteenth year of Our Reign.

By His Majesty's Command,
PEEL.

C. W. GWYNNE,
Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, MAY 5, 1923.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 1st May 1923.

No. 78.—The following Press *Communiqué* is published for general information :—

Press Communiqué, dated 20th March 1923.

It is announced for public information that the 31st (thirty-first) day of May, 1923, is prescribed as the final date by which notification by British Nationals of debts due to them by Austrian Nationals or of pecuniary obligations of the Austrian Government under Article 248 of the Treaty of Saint Germain-en-Laye must be lodged with the Administrator of Austrian Property in India, Legislative Department, Simla.

The term "Austrian Nationals" referred to above denotes Austrian Nationals resident in the State of Austria as constituted under the Treaty of Saint Germain-en-Laye and excludes Nationals of the former Austrian Empire who have now acquired a separate nationality under the provisions of the above Treaty.

L. GRAHAM,
Offg. Secretary to the Government of India.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 5th May 1923.

No. M.-1005.—The following draft of a further amendment in the Indian Explosives Rules, 1914, which it is proposed to make in exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), is published, as required by section 18 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 6th July 1923.

Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Governor-General in Council.

Draft amendment.

For the entry in the second column of Schedule IV to the said rules relating to "Class 3, Division 1, other than propellants," the following shall be substituted, namely :—

"As for class I ; provided that either the outer or inner package shall be thoroughly waterproof, and that no metal shall be used in the construction of the packages, except that (1) nails made of brass, zinc, or other soft metal or coated with the same may be used for securing the outer package, and (2) wire stitching may be used for securing the inner package if the wire is effectively prevented from coming into contact with the explosive by means of a sheet of stout cardboard or otherwise."

A. H. LEY,
Secretary to the Government of India.

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PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, MAY 5, 1923.

DEPARTMENT OF INDUSTRIES AND LABOUR.

Simla, the 5th May 1923.

No. M-1005.—The following draft of a further amendment in the Indian Explosives Rules, 1914, which it is proposed to make in exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), is published, as required by section 18 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 6th July 1923.

Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Governor-General in Council:—

DRAFT AMENDMENT.

For the entry in the second column of Schedule IV to the said rules relating to "Class 3, Division 1, other than propellants," the following shall be *substituted*, namely:—

"As for class 1, provided that either the outer or inner package shall be thoroughly waterproof, and that no metal shall be used in the construction of the packages, except that (1) nails made of brass, zinc, or other soft metal or coated with the same may be used for securing the outer package, and (2) wire stitching may be used for securing the inner package if the wire is effectively prevented from coming into contact with the explosive by means of a sheet of stout cardboard or otherwise."

A. H. LEY,

Secretary to the Government of India.

284 PGG—872—25-5-23—SGPP Lahore.

[illegible] THE GAZETTE OF INDIA," SIMLA, SATURDAY, MAY [illegible] 1928.

DEPARTMENT OF INDUSTRIES AND LABOUR.

Simla, the 5th May 1928.

No. M-1085. — The following draft of a further amendment in the Indian Explosives Rules, 1914, which it is proposed to make in exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), is published, as required by section 18 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the [illegible] July 1928.

Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Governor General in Council—

DRAFT AMENDMENT.

For the entry in the second column of Schedule IV to the said rules relating to [illegible] Division 1, other than [illegible] shall be substituted, namely:—

"As for class [illegible] provided that either the inner or outer package shall be [illegible] proof, and that no [illegible] shall be used in the construction of the packages except that (1) [illegible] is made of brass, zinc, or other [illegible] and (2) wire [illegible] the outer package, and [illegible] the wire is effectively prevented from [illegible] sheet of stout cardboard or otherwise."

A. H. LEY,

Secretary to the Government of India.

Registered No. L. 864.

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LAHORE, FRIDAY, JUNE 1, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, MAY 26, 1923.

HOME DEPARTMENT.

RESOLUTION.

ESTABLISHMENTS.

Simla, the 18th 23rd *May, 1923.*

No. F.-88-23.—With the approval of the Secretary of State the Government of India have decided that proportionate pensions granted to officers under the orders issued in the Home Department Resolution No. F.-149-I., dated the 8th November 1921 (as amended) and which are expressed in sterling should, where converted into rupees for payment in India, be converted into rupees at the current rate of exchange as prescribed from time to time for general purposes, the rate at present prescribed being the rate for telegraphic transfers from Calcutta on London on the 20th day of the month preceding that in which the payment falls due.

2. The foregoing decision has effect from the 31st March 1923.

ORDER.—Ordered that a copy of this Resolution be forwarded to the Government of the United Provinces in continuation of the Home Department letter No. F.-88-1923, dated the 27th February 1923, and to other local Governments and Administrations; to the several Departments of the Government of India (including the Financial Adviser, Military Finance); and to the Heads of Departments subordinate to the Home Department.

Ordered also that the Resolution be published in the *Gazette of India* for general information.

C. W. GWYNNE,

Offg. Joint Secretary to the Government of India.

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DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

MEDICAL.

Simla, the 21st May, 1923.

No. 358.—Lieutenant-Colonel H. H. Broome, M.B., F.R.C.S., I.M.S., Professor of Surgery, King Edward Medical College, Lahore, is appointed to be Principal of the College, with effect from the date on which he assumes charge of his duties.

No. 359.—Captain S. N. Hayes, F.R.C.S., I.M.S., Officiating Professor of Physiology, King Edward Medical College, Lahore, is appointed to officiate as Professor of Ophthalmology at that College, with effect from the date on which he assumes charge of his duties, and until further orders.

OVERSEAS.

The 19th May, 1923.

No. 509.—In exercise of the powers conferred by rule 61 of the Indian Emigration Rules, 1923, the Governor-General in Council is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Department of Revenue and Agriculture, No. 213-Emigration, dated the 10th March 1923, namely :—

After entry 7, the following entry shall be inserted, namely :—

7 (A) To sub-rule (1) of rule 35 of the said rules, the following proviso shall be added, namely :—

" Provided that the Protector and the Medical Inspector shall not be required to inspect the place of accommodation established at Avadi for the port of Madras and the emigrants kept there more than once in every fortnight."

M. S. D. BUTLER,

Secretary to the Government of India.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATIONS.

POST OFFICE.

Simla, the 26th May, 1923.

No. E.F.-3.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following further amendments shall, with effect from the 1st June 1923, be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry, No. 2883-45, dated the 26th April 1913, namely :—

1. In the heading to rule 136-B of the said rules *after* the words " Indo-Mauritius " the words " and Indo-Federated Malay States " shall be inserted.

2. In rule 136-B of the said rules, *after* the word " Mauritius "—

(*a*) where it occurs for the first time, the words " or in the Federated Malay States,"

(*b*) where it occurs for the second time, the words " or for or from the Federated Malay States," and

(*c*) where it occurs for the third time, the words " or for the Federated Malay States"

shall be inserted.

3. In rule 138 of the said rules, *for* the words " Ceylon, the Seychelles, the United Kingdom, Iraq and Mauritius" the words "Ceylon, the Seychelles, the United Kingdom, Iraq, Mauritius and the Federated Malay States " shall be substituted.

A. H. LEY,

Secretary to the Government of India.

399 PGG—872—1-6-23—SGPP Lahore.

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LAHORE, FRIDAY, JUNE 15, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, MAY 12, 1923.

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 8th May 1923.

No. 749-217-I.—In pursuance of the first Schedule to the Indian Extradition Act 1903 (XV of 1903), the Governor General in Council is pleased to declare the following units of the Indian State Forces to be units desertion from which is an extradition offence, namely :—

* * * * * * * *

FARIDKOT.

Faridkot Sappers.

* * * * * * * *

PATIALA.

(*a*) Rajindra Lancers.

(*b*) 1st Patiala Infantry (Rajindra Sikhs).

(*c*) 2nd Patiala Infantry.

* * * * * * * *

SIRMUR.

Sirmur Sappers.

* * * * * * * *

JIND.

Jind Infantry.

KAPURTHALA.

Jagatjit Infantry.

* * * * * * * *

MALER KOTLA

Malerkotla Sappers.

* * * * * * * *

NABHA.

Nabha Infantry.

* * * * * * * *

J. P. THOMPSON,
Secretary to the Government of India.

FROM THE GAZETTE OF INDIA, SIMLA, SATURDAY, JUNE 9, 1923.

HOME DEPARTMENT.

NOTIFICATION.

JUDICIAL.

Simla, the 6th June, 1923.

No. F.-290-23.—In supersession of the Home Department notification No. 1201, dated the 3rd September 1919, and in pursuance respectively of section 29, and of rule 26 (*b*) of Order V of the First Schedule of the Code of Civil Procedure (V of 1908), the Governor General in Council is pleased to declare that the provisions of section 29 of the said Code shall apply to all the Civil and Revenue Courts in Iraq, and that the service by such Courts of any summons issued by a Court in British India under the said Code shall be valid service.

C. W. GWYNNE,
Offg. Joint Secretary to the Government of India.

ESTABLISHMENTS.

The 5th June 1923.

No. F.-137-23.—The following provisional regulations for the examination for the Indian Civil Service to be held in India during 1924 are published for general information.

INDIAN CIVIL SERVICE.

NOTICE.

A competitive examination for admission to the Indian Civil Service will be held under the subjoined rules in the Senate House at Allahabad commencing on 7th January 1924. Candidates accepted for the examination, that is, candidates who have received certificates of admision under Rule 13 should present themselves not later than 9-30 A.M.; this last intimation is given in case a communication which the Civil Service Commissioners will send showing the Time Table of the written examination and the time of the candidate's *vira voce* test should fail to reach the candidate.

The number of persons to be selected at this examination will be announced hereafter.

No person will be considered from whom the Chief Secretary of the appropriate Province has not received, on or before the 1st August 1923, an application on the prescribed form, a copy of which is sent herewith. No allegation than an application form or a letter

respecting such form has been lost or delayed in the post will be considered unless the person making such allegation produces a Post Office Certificate of Posting. Candidates who delay their applications until a late date will do so at their own risk.

Regulations for Competitive Examinations to be held in India.

The following Regulations made by the Secretary of State for India in Council, are liable to alteration from year to year.

(1) A competitive examination for admission to the Indian Civil Service shall be held annually in India in the months of January and February or at such other time as the Governor General in Council may direct.

(2) The maximum number of candidates to be admitted to the examination may at the discretion of the Governor General in Council be limited to 200. If the number of applicants exceeds 200 and a limitation is decided upon it will be effected by Quota Committees in accordance with the following regulations.

(3) Of the candidates to be admitted if limitation is decided upon the number to be drawn from each of the regions specified in the annexed table shall not exceed the number shown against it; such number is hereinafter referred to as "the provincial quota."

Assam	5	The Madras Presidency and Coorg	33
Bengal	33		
Bihar and Orissa	22	Punjab, the North-West Frontier Province and Delhi ...	25
The Bombay Presidency ...	25		
Burma	15	The United Provinces and Ajmer-Merwara	30
The Central Provinces ...	12		

(4) If limitation is decided upon and in any region of Rule 3 the number of applicants exceeds the provincial quota, the Local Government of the Governor's Province which coincides with or is included in that region shall appoint a Committee to be called the Quota Committee the majority of the members of which shall be non-officials. The Quota Committee shall select the provincial quota for its region from among such of the persons applying for admission to the examination from that region as possess the qualifications hereinafter prescribed. The selection or rejection of an applicant by the Quota Committee shall be final. Provided nevertheless that the Local Government may remove from the quota a candidate who is reported by a Medical Board to be physically unfit for appointment in the Indian Civil Service.

(5) In a case where the region for which the Local Government of a Governor's Province is required to set up a Quota Committee includes territory other than the Governor's Province the Local Government shall be responsible for the due representation of that other territory on the Quota Committee.

(6) A person desiring to be admitted to the examination shall apply, before such date as the Governor General in Council may prescribe, in the region of Rule 3 in which his parents reside at the time of the application or have previously resided for a period of not less than three years, or in which he has himself resided, otherwise than as a student at a university only, for a like period. His application must be made to the Chief Secretary of the Governor's Province which coincides whith or is included in that region;

Provided that no candidate shall make more than one application in any year;

Provided further that persons resident in a State in India shall apply through their Durbars to the Chief Secretary of the province in which they wish to serve or of the province included in the region in which they wish to serve, and that for the purposes of Rule 3, if limitation of the number of candidates is decided upon, such persons shall be considered by the appropriate Quota Committee and if chosen by that Committee shall constitute a part of the provincial quota for that region.

(7) Application shall be made at such time and in such manner as the Governor General in Council may prescribe.

(8) A candidate must be either a British subject or a ruler or subject of a State in India in respect of whom the Governor General in Council has made a declaration under section 96 A of the Government of India Act. If the candidate (being a British subject) or his father or his mother was not born within His Majesty's Dominions and allegiance, the father must, at the time of the candidate's birth, have been a British subject or the subject of a State in India; and if alive, must be, or if dead, must have continued to be until his death, a British subject or a subject of such State.

(9) A candidate must have attained the age of 21 and must not have attained the age of 23 on the first day of August in the year in which the examination is held.

(10) A candidate must be free from disease, constitutional affection, or bodily infirmity, unfiting him, or likely to unfit him, for the Indian Civil Service.

(11) A candidate shall satisfy the Civil Service Commissioners, that his character is such as to qualify him for employment in the Indian Civil Service.

(12) A candidate must hold a degree of a university incorporated by law in British India or of the Mysore University, or the senior diploma of the Mayo College, Ajmere.

(13) No candidate shall be admitted to the examination unless he holds a certificate of having been accepted for admission, given by the Quota Committee in a region in which a Quota Committee has been set up and given by the Local Government in any other region.

(14) Any attempt on the part of a candidate to enlist support for his application through persons of influence will disqualify him for appointment. Spontaneous recommendations from persons who are not themselves acquainted with the candidate's work at school or at the university, or otherwise, will be disregarded.

(15) A candidate will pay a fee of Rs. 5 with his application form, and a candidate chosen for admission to the examination will pay a further fee of Rs. 100.

(16) The examination will include the following subjects. Each subject will carry the number of marks shown against it.

Section A.—To be taken by all candidates :—

1. Essay	150	4. Everyday Science	100
2. English	150	5. Vernacular language ...	200
3. Present Day	100	6. *Viva voce*	200

Section B.—Candidates are allowed to take up subjects in this section up to a total of 800 marks :—

Languages with associated civilizations.

7. Arabic language	200	13. Pali language	200
8. Arabic civilization	200	14. Pali civilization	200
9. Persian language	200	15. English literature, Period 1 ...	100
10. Persian civilization... ...	200	16. English literature, Period 2 ...	100
11. Sanskrit language	200	17. English literature, Period 3 ...	100
12. Sanskrit civilization ...	200	18. English literature, Period 4 ...	100
		19. Vernacular literature ...	200

History, Economics, Politics, Law and Philosophy.

20. Indian history, Period 1 ...	100	26. Politics	200
21. Indian history, Period 2 ...	100	27. Law	200
22. Indian history, Period 3 ...	100	28. Moral Philosophy ...	100
23. European history	20	29. Metaphysics	100
24. British history	200	30. Logic	100
25. Economics	200	31. Indian philosophy ...	100

Mathematics and Science.

32.	Lower mathematics	200	43.	Higher geology	200
33.	Higher mathematics	200	44.	Lower physiology	200
34.	Astronomy	100	45.	Higher physiology	200
35.	Statistics	100	46.	Lower zoology	200
36.	Lower chemistry	200	47.	Higher zoology	200
37.	Higher chemistry	200	48.	Geography	200
38.	Lower physics	200	49.	Psychology	100
39.	Higher physics	200	50.	Experimental psychology	100
40.	Lower botany	200	51.	Physical anthropology	100
41.	Higher botany	200	52.	Social anthropology	100
42.	Lower geology	200	53.	Engineering	400
			54.	Agriculture	400

(17) The civilization associated with a language can only be taken by candidates who also offer the language itself.

(18) In subject 5 Vernacular language a candidate may offer any one of the following languages:—Assamese, Bengali, Burmese, Gujarati, Hindi, Kanarese, Malayalam, Marathi, Oriya, Panjabi, Sindhi, Tamil, Telugu, Urdu.

(19) A candidate for any of the subjects numbered 36 to 47 must have undergone laboratory training in an institution authorised to prepare candidates in that subject for a university degree and must send in a voucher to that effect from the head of the institution, two years' laboratory training being required for a science on the higher grade and one year's training for a science on the lower grade. For candidature for Geography or Experimental Psychology or Engineering or Agriculture (subjects 48, 50, 53, 54) a certificate of one year's training in an institution authorised to prepare candidates in that subject for a university degree is required.

(20) As Vernacular Literature a candidate may offer the literature of any one of the following languages:—Bengali, Burmese, Gujarati, Hindi, Marathi, Tamil, Telugu, Urdu.

(21) From the marks assigned to candidates in each subject, such deduction will be made as the Civil Service Commissioners may consider necessary in order to secure that no credit is allowed for merely superficial knowledge.

(22) If a candidate's handwriting is not easily legible, a deduction will be made on this account from the total marks otherwise accruing to him.

(23) A list of the competitors shall be made out in order of their proficiency as disclosed by the aggregate marks finally awarded to each competitor, and in that order, so many competitors, up to the determined number of appointments, as are found by the Civil Service Commissioners to be qualified by examination, shall be designated to be selected candidates for the Indian Civil Service, provided that the Governor General of India in Council is satisfied that they are duly qualified in other respects. Should any selected candidate become disqualified, the Secretary of State for India will determine whether the vacancy thus created shall be filled or not. In the former case the candidate next in order to merit, and in other respects duly qualified, shall be deemed to be a selected candidate.

(24) Selected candidates will be on probation for two years in the United Kingdom.

INDIA OFFICE,
LONDON, S. W. 1.

Indian Civil Service Competitive Examination to be held in India in January 1924.

Syllabus of the Examination in which the Civil Service Commissioners give an indication of the lines on which the subjects will be treated.

1. *Essay.*—An essay to be written in English on one of several specified subjects.

2. *English.*—A paper of questions to test the understanding of English and the workmanlike use of words.

3. *Present Day.*—Questions on contemporary subjects, social, economic and constitutional, mainly though not exclusively concerned with India. A liberal choice of questions will be given. Effective and skilful exposition will be rewarded.

4. *Everyday Science.*—In this subject such knowledge will be expected as a candidate will have who has studied science intelligently at school and has since then kept his eyes open. A liberal choice of questions will be given.

5. *Vernacular Language.*—The test will include translation from the vernacular, set composition in which an English passage is given to be put into the vernacular and free composition in which the candidate writes in the vernacular in his own words on a prescribed subject.

6. *Viva Voce.*—The examination will be in matters of general interest, not in matters of academic interest; it is intended to test the candidate's alertness, intelligence and general outlook.

LANGUAGES WITH ASSOCIATED CIVILIZATIONS.—Subjects 7-14. In the questions on the civilization, history and literature will as far as possible, be brought into close relation. The questions on literature will require first-hand knowledge of the authors; and the authors dealt with will be those which candidates ought to have read. Passages of literature may be sent for comment on matters of social, political, legal, or other historical importance.

7. *Arabic Language.*—Translation, free composition and set composition in the classical language.

8. *Arabic Civilization.*—The main stress in both history and literature will be on the period from the middle of the 6th century A. D. to the middle of the 13th century A. D.

9. *Persian Language.*—Translation, free composition and set composition in the classical language

10. *Persian Civilization.*—The main stress in both history and literature will be laid on the period 1000 A. D. to 1500 A. D. Candidates will be expected to have a general knowledge of Persia before 1000 A. D. and from 1500 to the present time.

11.—*Sanskrit Language.*—Translation, set composition, free composition, questions on Vedic grammar relating to grammatical forms occurring in the passages set for translation or to general grammatical questions suggested by them. Both Vedic and Classical Sanskrit passages will be set for translation; composition will be required in Classical Sanskrit alone. A knowledge of the Prakrit used in plays will be expected.

12. *Sanskrit Civilization.*—Will include the history of the civilzation and thought of India from the Vedic period to 1200 A. D.

13. *Pali Language.*—Translation, free composition, set composition.

14. *Pali Civilization.*—Will include the history of Buddhistic civilization in India from 600 B. C. to 1000 A. D.

ENGLISH LITERATURE.—Subjects 15-18. Candidates for any period should be prepared to show some first-hand knowledge of some of the works of the authors named below for the period and of their place in the history of their country. Questions may also be asked about other writers. Questions will not be set on the history of the language.

PERIOD 1.—1580-1680.	Spenser, Shakespeare, Bacon, Milton, Hobbes.
PERIOD 2.—1680-1744.	Dryden, Bunyan, Swift, Addison, Defoe, Pope.
PERIOD 3.—1744-1832.	Fielding, Johnson, Goldsmith, Burke, Sheridan, Scott, Wordsworth, Byron, Lamb.
PERIOD 4.—1832-1914.	Macaulay, Tennyson, Dickens, Thackeray, Carlyle, Ruskin, Thomas Hardy, H. G. Wells.

19. *Vernacular Literature.*—The questions will be directed in the main to test a first-hand knowledge of the best known works in the vernacular, but questions on works of lesser importance will not be excluded. Candidates should have such knowledge of history as is necessary to understand the literature in its relation to the activities of the people.

HISTORY.—Subjects 20-24. Candidates should know something of the principles and the facts of geography in relation to history. They must be prepared to draw sketch maps.

20. *Indian History.*—Period 1. Hindu India from the first Aryan immigration to the end of the 12th century; history and culture together with the history of Buddhism outside of India.

21. *Indian History.*—Period 2. Muhammadan India, from the beginning of the 11th century to 1748 (death of the Mogul Muhammad Shah); together with the contemporaneous history of the Moslem powers outside of India—the Saracens, the Turks., etc.

22. *Indian History.*—Period 3. India during the British period, from 1600 to the present day; together with the contemporaneous history of the British Empire. [Although a fixed date is given for the beginning of the period, candidates will be expected to know in general outline how the initial position was reached.]

23. *European History.*—The limits of time are 1600 and 1914. Although a fixed date is given for the beginning of the period, candidates will be expected to know in general outline how the initial position was reached. The history of countries closely associated with Europe will be included so far as it influences British history, especially in relation to India

24. *British History.*—The limits of time are 1400 and 1914. British history will be taken as a whole; politics, economics, and constitution will be considered as mutually affecting each other and all together as the outcome of the common life of the nation. Candidates will be expected to know so much of European history as will make the external action of this country full intelligible and will explain those movements in Britain which had their beginnings elsewhere, *e.g.*, the Renaissance, the Reformation and the reactions in this country of the French Revolution. From 1750 onwards the outstanding incidents and movements in the history of British possessions will assume more importance.

25. *Economics.*—General Economics, including industrial history with special reference to India. The subject will be treated as a whole, and candidates should be prepared to illustrate the theory by the facts and to analyse the facts by the help of the theory. The history of economic thought will be included.

26. *Politics.*—This subject will include political theory and political organisation.

Candidates will be expected to show a knowledge of political theory and its history, political theory being understood to mean not only the theory of legislation, but also the general history of the State in connection with kindred studies such as Jurisprudence, Public International Law and Economics. Questious involving illustrations from Indian history may be set.

Political organisation will include Constitutional Forms (Representative Government, Federalism, etc.) and Public Administration, central and local. The history of institutions is not included, but candidates will be expected to know the earlier stages from which existing institutions have directly developed, and in this section also illustrations from Indian history may be expected.

27. *Law.*—Constitutional law, jurisprudence, equity contracts, torts, easements, law of property with special reference to Transfer of Property Act. Hindu and Muhammadan law as administered in British India, Indian Evidence Act, Civil Procedure Code, Indian Penal Code, Criminal Procedure Code.

MATHEMATICS.—Subjects 32-33. The examination will be designed to test understanding of the subject and ability to apply it rather than ability to reproduce proofs of propositions. No great skill in manipulation will be expected.

Questions involving the use of mathematical instruments may be set at both stages.

32.—*Lower Mathematics.*—Logarithms, numerical equations; graphs, approximation; infinite series; complex numbers; solution of triangles.

Geometry in two and three dimensions according to the method of Euclid. Analytical geometry in two dimensions (method of Descartes). The construction of plans, elevations and sections of solid bodies (method of Monge).

Differential co-efficients; maxima and minima; integrals; the application of the infinitesimal calculus to curves.

Projectiles; harmonic motion; momentum; energy; power. Equilibrium of rigid bodies in two dimensions; link polygons; virtual work. Simple machines, *e.g.*, tackle, cranes, engine governors, brakes. Fluid pressure; expansion of a perfect gas; air-pump.

33. *Higher Mathematics.*—Lower Mathematics together with :—

Uniform convergence; infinite products; exponential and trigonometric functions of a complex variable.

The elements of the geometry of surfaces.

Taylor's series; partial differentiation; areas and volumes by integration; moments of inertia; the treatment of differential equations occurring in elementary mechanics.

Centrodes; simple cases of linked mechanisms. Equilibrium of forces in three dimensions; loading of beams; elementary treatment of potential. The motion of rigid bodies in two dimensions. Stability of flotation.

34. *Astronomy.*—Celestial co-ordinates. Astronomical instruments descriptively treated; method of using them and of determinining their principal errors. Orbit of the earth. The Ecliptic. Time. Latitude and Longitude. Motion of the moon, simpler calculations, clipses. Parallax. Refraction. Aberration. Precession and nutation.

Stellar maps and catalogues; the nautical almanac; the principal constellations. Descriptive discussion of planets, comets, double stars, nebulas. The simpler processes of computation; reduction of observations and of measurements made on photographic plates.

35. *Statistics.*—(1) Elementary theory of statistics, not depending mainly on the theory of probability nor requiring a knowledge of the calculus—frequency distributions, averages percentiles, and simple methods of measuring dispersion, graphic methods; elementary treatment of qualitative data, *e.g.*, investigation of association by comparision of ratios, consistency of data; the practice of the simplest graphic and algebraic methods of interpolation.

(2) Practical methods used in the analysis and interpretation of statistics of prices, wages and incomes, trade transport, production and consumption, education, etc., the more elementary methods of dealing with population and vital statistics; miscellaneous methods used in handling statistics of experiments or observations.

(3) Elements of modern mathematical theory of statistics; frequency curves and the mathematical representation of groups generally; accuracy of sampling as affecting averages, percentages; the standard deviation; significance of observed differences between averages of groups etc.; the theory of correlation for two variables.

A considerable choice of questions will be given, especially as to paragraph 2, and it will be possible for a candidate without advanced mathematical knowledge to obtain full marks by answering questions under paragraphs 1 and 2.

NATURAL SCIENCES.—Subjects 36-47. The standard of the higher division of a science will be that which is required in the main subject for an honours degree at the universities. The standard for the lower division of a science will be that required in a subject subsidiary to the main subject whether required at the final degree examination or at a preceding examination.

40, 41. *Lower and Higher Botany.*—Vegetable Physiology will be included in each division.

42, 43. *Lower and Higher Geology.*—Mineralogy will be included in each division.

48. *Geography.*—Not excluding topics which concern geography jointly with other subjects such as economics, history, physics, botany and geology. There will be a practical test which will necessitate a knowledge of cartographical methods and notations, and for this test drawing instruments may be required.

51. *Physical Anthropology.*—The subject includes prehistoric arshæology and technology. Candidates will be expected to have such knowledge as may be acquired by laboratory and museum work, consisting mainly in the handling and study of specimens and exhibits. The subject will be treated with special, but not exclusive, reference to peoples of rude culture, including prehistoric civilization.

52. *Social Anthropology.*—Candidates will not be expected to have an extensive experience of laboratory and museum work. The subject will be treated with special, but not exclusive, reference to peoples of rude culture, including prehistoric civilization.

53. *Engineering.*—Strength of materials; theory of structures; mechanism and dynamics of machines; heat and thermodynamics; surveying; hydraulics including hydraulic machines; electricity and magnetism.

The subject will be treated in a general manner and the questions will be confined to the more elementary parts of the subject. The candidate will be expected to be familiar with graphical methods and to have some skill in mechanical drawing.

54. *Agriculture.*—The subject will be treated in relation to Indian conditions. Agricultureal chemistry, agricultural botany, and agricultural zoology will be included.

NOTES.

NOTE 1.—From the marks assigned to candidates in each subject such deduction will be made as the Civil Service Commissioners may consider necessary in order to secure that no credit is allowed for merely superficial knowledge.

NOTE 2.—In view of the importance of legible handwriting in the public service, deductions which may be of considerable amount will be made from the marks of candidates whose handwriting is not easily legible.

NOTE 3.—In valuing the work of the candidates the Civil Service Commissioners will give credit for good English in all the 54 subjects of the examination, and not only in subjects 1 and 2 which are specially devoted to the language. Among the qualities of good English may be mentioned orderly, effective and exact expression, combined with due economy of words.

NOTE 4.—A pamphlet containing the question papers used at the examination held in Allahabad in 1922 has been published by His Majesty's Stationery Office, Imperial House, Kingsway, London, W. C.2, and may be purchased either from that Office or in India from Messrs. Longmans, Green and Company, 6 Old Court House Street, Calcutta; 167 Mount Road, Madras, or 336 Hornby Road, Bombay. A pamphlet of the examination of 1923 is being published.

NOTE 5.—Copies of the Syllabus may be obtained on application to the Chief Secretary to the Government of the province in which the applicant resides.

Allahabad I.C.S.

Write your Surname here ____________________

APPLICATION FORM.

For the use of men seeking admission to the competitive examination for appointment to the Indian Civil Service to be held in the Senate House at Allahabad and commencing on 7th January 1924.

Copies of this form may be obtained on application to the Chief Secretary of the province.

A copy of the Regulations for the Examination is sent herewith. Candidates should consult it to see if they are eligible before filling up this form.

This form is to be filled up and returned to the Chief Secretary of the appropriate Province (see Rule 6) in time to reach him on or before 1st August 1923. No application form received after that date will be accepted.

If a Candidate who fills up and returns this application form does not receive an acknowledgment of it within a reasonable time he should inform the Chief Secretary of the Province.

Should any of the particulars furnished be found to be false within the knowledge of the candidate he will, if appointed, be liable to be dismissed. The wilful suppression of any material fact will be similarly penalised.

1. Name in full, surname first.	
2. Postal address in full. Any change of address up to 15th September should be at once communicated to the Chief Secretary to the Government of the Province concerned, and to the Secretary, Government of India, Home Department, Simla. Account cannot be taken of any change notice of which reaches Simla later than the date named.	
3. Affix here postage stamps of the value of Rs. 5. No part of this fee will be returnable to any applicant, whatever the result of his application. Applications unaccompanied by the fee will be ignored.	
4. Exact date of birth and age last birthday (See page 526).	
5. Place of birth and Province or State in which it is situated.	
6. Your nationality at birth. Do not state your caste or religion but your legal nationality, *e.g.*, British subject, subject of Travancore State. (See page 526.)	
7. Your father's name, place of birth and nationality at birth.	
8. Did your father change his nationality at all? If so, give particulars.	

9. Is a declaration under Section 96-A necessary to your eligibility? If so, have you taken steps to have it made? (See page 526.)

10. Your father's postal address and profession (if dead, give last address).

11. Your mother's place of birth and nationality at birth.

12. Name, in order, the schools you have attended since the age of 12, giving addresses and dates of entering and leaving. State any position of authority you held, and any distinction you attained in school work, games, school societies, etc.

13. Name your university and college. Give the dates of entering and leaving. State any degree, honours, prizes or scholarships you have obtained.

14. Give the name of the Vice-Chancellor or Principal or Professor from whom you enclose a certificate of character. (See page 526.)

15. Have you had any special preparation for examinations for these situations? If so, state (1) where and by whom it was given, (2) the dates of the beginning and of each period, (3) whether it was whole-time or part-time work, and if part-time what part of your time of study it occupied, (4) whether it took place by day or in the evening.

16. If your time since leaving school is not fully accounted for by replies given above account for the remainder here with dates.

If you have had employers, state their names and addresses in full.

17. Give the names, professions, and present addresses (in full) of the two referees, who should be responsible persons (not relations), well acquainted with you in private life, and unconnected with your university or college: from whom you attach testimonials. (See page 526.)

18. Are you free from pecuniary embarrassments?

If you are under liability to repay money advanced by an institution or party for your education, state the particulars.

19. Have you been on any former occasion examined by the Civil Service Commissioners? If so, state when, and for what appointment.

20. Signature and date.

Allahabad I. C. S. Selection Form 1924.

Place your initials against the subjects in which you wish to be examined if you are chosen for admission to the examination and state the vernacular language you choose. Refer for guidance to the accompanying notice.

Initials.	——	Maximum Marks.	
....	7. Arabic language	200	
....	8. Arabic civilization	200	
....	9. Persian language	200	
....	10. Persian civilization	200	
....	11. Sanskrit language	200	
....	12. Sanskrit civilization	200	
....	13. Pali language	200	
....	14. Pali civilization	200	
....	15. English literature, Period 1 ...	100	
....	16. English literature, Period 2	100	
....	17. English literature, Period 3 ...	100	
....	18. English literature, Period 4 ..	100	
....	19. Vernacular literature, namely :—		
....	Bengali	200	
....	Burmese	200	
....	Gujarati	200	
....	Hindi	200	
....	Marathi	200	
....	Tamil	200	
....	Telugu	200	
....	Urdu	200	
....	20. Indian history, Period 1	100	
....	21. Indian history, Period 2	100	
....	22. Indian history, Period 3	100	
....	23. European history	200	
....	24. British history	200	
....	25. Economics	200	
....	26. Politics	200	
....	27. Law	200	
....	28. Moral philosophy	100	
....	29. Metaphysics	100	
....	30. Logic	100	
....	31. Indian philosophy	100	
....	32. Lower mathematics	200	
....	33. Higher mathematics	200	
....	34. Astronomy	100	
....	35. Statistics	100	
....	36. Lower Chemistry	200	See below
....	37. Higher Chemistry	200	
....	38. Lower physics	200	
....	39. Higher physics...	200	
....	40. Lower botany	200	
....	41. Higher botany	200	
....	42. Lower geology	200	
....	43. Higher geology	200	
....	44. Lower physiology	200	
....	45. Higher physiology	200	
....	46. Lower zoology	200	
....	47. Higher zoology	200	
....	48. Geography	200	
....	49. Psychology	100	
....	50. Experimental psychology... ...	100	See below.
....	51. Physical anthropology	100	
....	52. Social anthropology	100	See below
....	53. Engineering	400	
....	54. Agriculture	400	

The vernacular language I wish to offer is...

....

Signature ________________

Date ________________

NOTES.

Nationality (Rule 8).—If the candidate is a British subject and he and both parents were born within the British Empire he is eligible as to nationality.

If the candidate is a British subject but he or his father or mother was born outside the British Empire he is eligible provided his father has not since the birth of the candidate owed allegiance except to the British Empire or an Indian State. Whether the father's allegiance has changed between the British Empire and an Indian State is immaterial. Whether the candidate is the subject of an Indian State as well as of the British Empire is immaterial.

If the candidate is not eligible under the above paragraphs and he is the ruler or subject of an Indian State a declaration under section 96A of the Government of India Act is required to make him eligible. Whether he is a British subject as well as the subject of an Indian State is immaterial.

A candidate for whom a declaration under section 96A is necessary must take early steps in order that the declaration may be in the hands of the Civil Service Commissioners before they issue the communication directing candidates where and when to attend for examination.

Age (Rule 9).—A candidate must send in with this form a certificate from his University showing his date of birth as recorded on entering the University. A Matriculation certificate will be accepted if it contains the date of birth. The certificate will be retained by the Civil Service Commissioners and not returned.

Medical Examination (Rule 10).—A candidate's medical examination will take place as soon as possible after he has been found otherwise acceptable for admission to the examination. A candidate summoned for interview by a Quota Commitee or a Local Government should ask at the interview if he is required to attend for medical examin ation before returning home.

Character (Rule 11.)—A candidate must send in with this form copies of three certificates (and not more) of good private character, one from his University or College and two from responsible persons unconnected with his University or College. Copies only are to be supplied at this stage ; they will be retained by the Civil Service Commissioners and not returned. Successful candidates will be required to produce the originals.

University Degree (Rule 12).—A copy of the candidate's degree certificate is to be sent in with this form. Successful candidates will be required to produce the originasl.

Fees (Rule 15).—A fee of five rupees is to be paid with this form. On acceptance for admission to the examination a candidate will pay a further fee of 100 rupees and will then receive a certificate entitling him to admission to the examination.

Training Voucher (Rule 19).—Candidates who offer any of the subjects numbered 36 to 48, 50, 58, 54 must send in with this form the voucher required by rule 19. The voucher must state that the institution in which the work has been done is authorised to prepare candidates in that subject for a degree.

J. CRERAR,

Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 4th June, 1923.

No. 892-167-I.—*Corrigendum.*—In the notification of the Government of India in the Foreign and Political Department, No. 650-167-I., dated the 24th April 1923, for the words "The States in political relations with the Government of the Punjab," substitute the words "The States in the political control of the Government of the Punjab."

J. P. THOMPSON,

Secretary to the Government of India

FINANCE DEPARTMENT.

NOTIFICATION.

CUSTOMS.

Simla, the 9th June, 1923.

No. 383.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by Sea into British India of any goods marked with the Royal Arms and manufactured in or exported from any place outside His Majesty's dominions.

A. C. McWATTERS,

Offg. Secretary to the Government of India.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

RESOLUTION.

GENERAL.

Simla, the 7th June, 1923.

No. 639.—The Government of India have recently had under consideration the question of the treatment of the pre-mutiny records in the custody of the Imperial Record Department, Calcutta. Selections from these records were first examined by the permanent staff of the Department, and then submitted to the judgment of a Committee of the Indian Historical Records Commission consisting of the Hon'ble Mr. H. E. A. Cotton C.I.E., President of the Bengal Legislative Council, Professor L. F. Rushbrook Williams, C.B.E., and Professor Jadunath Sarkar, M.A. The matter was then considered at a session of the Indian Historical Records Commission itself. The Commission's advice was that the documents in question should first be divided into the three following classes :—

(*a*) Documents of historical importance including materials for social and economic history.

(*b*) Documents of personal and antiquarian interest.

(*c*) All other documents.

They recommended further that for the present, and until the result of the sorting became manifest, no papers should be destroyed. The Government of India have accepted these proposals and orders are being issued accordingly. The Government of India are also inviting certain representatives of the Commission to supervise the work of separation and to make such recommendations to them as may be called for. The Government of India trust that the work which is now being put in hand, will make available for students papers which, in the present condition of the records, are not accessible without the expenditure of undue time and labour.

ORDER :—Ordered that a copy of this Resolution be forwarded to all local Governments* and Administrations, the Keeper of the Records of the Government of India, the Army, Finance, Home, Foreign and Political and Legislative Departments, and the Departments of Industries and Labour, Commerce and Railway.

* Madras, Bombay, Bengal, United Provinces, Punjab, Burma, Bihar and Orissa, Central Provinces, Assam, Coorg, Delhi, North-West Frontier Province.

Ordered also that the Resolution be published in Part I of the *Gazette of India.*

M. S. D. BUTLER,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," EXTRAORDINARY, SIMLA, TUESDAY, JUNE 12, 1923.

OFFICE OF THE MILITARY SECRETARY TO THE VICEROY.

NOTIFICATION.

Simla, the 12th June 1923.

No. 2362-M.—Intelligence having been received of the death of Her Royal Highness Princess Christian—Princess Helena Augusta Victoria,—G.B.E., C.I., of Great Britain and Ireland, Court Mourning is ordered for four weeks from the 9th June ; half mourning commencing from the 30th June 1923.

When attending at the Viceregal Court ladies will appear in black until the 29th June and thereafter in half mourning. Officers in uniform will, when attending at Viceregal Lodge, wear a crepe band on the left arm throughout the period of Court Mourning.

C. KENNEDY-CRAUFURD-STUART, *Lieut.-Colonel,*

Military Secretary to the Viceroy.

351 CS—872—15-6-23—SGPP Lahore.

FINANCE DEPARTMENT.

NOTIFICATION.

CUSTOMS.

Simla, the 9th June, 1928.

No. 558.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by sea into British India of any goods marked with the Royal Arms and manufactured [illegible] in any place outside His Majesty's dominions.

A. C. McWATTERS,

Offg. Secretary to the Government of India.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

RESOLUTION

GENERAL.

Simla, the 5th June, 1928.

No. 680.—The Government of India have recently had under consideration the question of the treatment of the pre-mutiny records in the custody of the Imperial Record Department, Calcutta. Selections from these records were first examined by the [illegible] of the Department, and then submitted to the judgment of a Committee of the Indian Historical Records Commission consisting of the Hon'ble Mr. H. E. A. Cotton, C.I.E., President of the Bengal Legislative Council, Professor L. F. Rushbrook Williams, C.B.E., and Professor Jadunath Sarkar, M.A. The matter was then considered at a session of the Indian Historical Records Commission itself. The Commission's advice was that the documents in question should first be divided into the three following classes:—

(a) Documents of historical importance including material for social and economic history.

(b) Documents of personal and antiquarian interest.

(c) All other documents.

They recommended further that for the present and until the result of the [illegible] manifest, no papers should be destroyed. The Government of India have accepted these proposals and orders are being issued accordingly. The Government of India are also inviting certain representatives of the Commission to supervise the work of separation and to make such recommendations to them as may be called for. The Government of India trust that the [illegible] will make available for students [illegible] the work which is now being [illegible] are not accessible without the expenditure of undue time and labour.

ORDER:—Ordered that a copy of this Resolution be forwarded to all local Governments* and Administrations, the Keeper of the Records of the Government of India, the Army, Finance, Home [illegible] and Political and Legislative Departments, and the Departments of Industries and Labour, Commerce and Railways.

*Madras, Bombay, Bengal, United Provinces, Punjab, Burma, Bihar and Orissa, Central Provinces, Assam, Coorg, Delhi, North-West Frontier Province.

Ordered also that the Resolution be published in Part I of the Gazette of India.

M. S. D. BUTLER,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA" EXTRAORDINARY, SIMLA, TUESDAY, JUNE 12, 1928.

OFFICE OF THE MILITARY SECRETARY TO THE VICEROY.

NOTIFICATION.

Simla, the 12th June 1928.

No. 2382-H.—Intelligence having been received of the death of Her Royal Highness Princess Christian (Princess Helena Augusta Victoria), G.B.E., C.I., of Great Britain and Ireland, Court Mourning is ordered for four weeks from the 9th June [illegible] commencing from the 9th June 1928.

When attending at the Viceregal Court ladies will appear in black until the [illegible] June and thereafter in half mourning. Officers in uniform will, when attending at Viceregal Lodge, wear a crape band on the left arm throughout the period of Court Mourning.

C. KENNEDY CRAUFURD STUART, Lieut.-Colonel,

Military Secretary to the Viceroy.

Registered No. L.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JUNE 22, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, MAY 19, 1923.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Simla, the 17th May, 1923.

No. F.-563-22.—In exercise of the power conferred by sub-section (2) of section 99 of the Government of India Act, the Governor General in Council is pleased to direct that the following amendments, which have been sanctioned by the Secretary of State in Council, with the concurrence of a majority of votes at a meeting of the Council of India, shall be made in rule 6 of the rules published in the Home Department Notification No. F.-438, dated the 30th March, 1922, namely :—

(1) For the words " six months " the words " twelve months " shall be substituted, and

(2) after the words " Indian Civil Service " where they occur for the last time, the following shall be inserted, namely : " The Secretary of State for India in Council may, however, sanction the continuance of any such appointment for such period as he may fix, having regard to the exigencies of the public service."

C. W. GWYNNE,

Offg. Joint Secretary to the Government of India.

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DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

OVERSEAS.

Simla the 14th May, 1923.

No. 487.—In pursuance of the Notification of the Government of India in the Department of Revenue and Agriculture, No. 282-Emi., dated the 22nd March 1923, the Governor General in Council is pleased to notify the 31st day of May 1923 as the date with effect from which emigration to Mauritius for the purpose of unskilled work shall be lawful.

No. 488.—In pursuance of Rule 50 of the Indian Emigration Rules, 1923 the Governor General in Council is pleased to prescribe Rs. 2 as the fee to be levied in respect of each emigrant permitted by the Protector of Emigrants to embark for the Colony of Mauritius.

M. S. D. BUTLER,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," EXTRAORDINARY, SIMLA, SATURDAY, JUNE 2, 1923.

FOREIGN AND POLITICAL DEPARTMENT.

ORDER OF THE INDIAN EMPIRE.

NOTIFICATION.

Simla, the 2nd June 1923.

No. 76-I. E.—His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that His Imperial Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to make the following promotion in, and appointments to, the said Order :—

To be Companions.

Khan Bahadur Diwan ABDUL HAMID, O.B.E., Chief Minister, Kapurthala State, Punjab.

Khan Bahadur MUHAMMAD SHER BAZ KHAN, Honorary Magistrate, Lahore District, Punjab.

Khan Bahadur MIAN MUHAMMAD HAYAT KHAN, Kureshi, of Sobbowal, Honorary Magistrate, Shahpur District, Punjab.

The Reverened GEORGE DUNSFORD BARNE, O.B.E., Principal, Lawrence Royal Military School, Sanawar (2nd-in-Command, Simla Rifles Auxiliary Force, India), Punjab.

J. P. THOMPSON,

Secretary to the Most Eiminent Order of the Indian Empire.

FOREIGN AND POLITICAL DEPARTMENT.

ORDER OF THE BRITISH EMPIRE.

NOTIFICATION.

Simla, the 2nd June 1923.

No. 1630-H.—His Imperial Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to give orders for the following promotions in, and appointments to, the Most Excellent Order of the British Empire :—

TO BE OFFICERS.

Civil Division.

PHILIP CRAWFORD VICKERY, Esquire, Imperial Police Service, Punjab.

Khan Bahadur Sardar LIAKAT HAYAT KHAN, Superintendent of Police in the Punjab.

TO BE MEMBERS.

Civil Division.

Sardar Bahadur DIWAN SINGH DUGGAL, Civil Surgeon, Punjab.

J. P. THOMPSON,

Political Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT.

KNIGHTHOOD.

NOTIFICATION.

Simla, the 2nd June 1923.

No. 1631-H.—His Imperial Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to confer the honour of Knighthood on :—

HUGH TROWBRIDGE KEELING, Esquire, C.S.I., Chief Engineer, Public Works Department, Delhi.

Rai Bahadur GOPAL DAS, Bhandari, C.I.E., M.B.E., Pleader and President, Municipal Committee, Amritsar, Punjab.

J. P. THOMPSON,

Political Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT.

IMPERIAL SERVICE ORDER.

NOTIFICATION.

Simla, the 2nd June 1923.

No. 1632-H.—His Imperial Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to make the following appointments to the Imperial Service Order :—

To be Companions.

Lieutenant CHARLES ARCHIBALD WEBB, Superintendent, Office of Commissioner, Rawalpindi Division, Punjab.

SHAIKH FAQIR-ULLA, Honorary Deputy Superintendent of Police, Punjab.

J. P. THOMPSON,

Political Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT.

KAISAR-I-HIND MEDAL.

NOTIFICATION.

Simla, the 2nd June 1923.

No. 1633-H.—His Excellency the Viceroy and Governor-General is pleased to announce that His Imperial Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to award the Kaisar-i-Hind Medal of the First Class for Public Service in India to :—

Rai Bahadur Lala TARA CHAND, Honorary Magistrate, Bhiwani, Hissar District, Punjab.

No. 1635-H.—His Excellency the Viceroy and Governor-General is pleased to award the Kaisar-i-Hind Medal of the Second Class for Public Service in India to :—

Miss MAUDE ROSE, in charge of the Monro Canteen for Soldiers, Lahore, Punjab.

WILLIAM ROBERT PEARCE, Esquire, Income-Tax Officer, Simla, Punjab.

J. P. THOMPSON,

Political Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATIONS.

Simla, the 2nd June 1923.

No. 1637-H.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Nawab, as a personal distinction, upon—

Pir Sayad Muhammad Mehr Shah, of Jalalpur, Tahsil Pind Dadan Khan, Jhelum District, Punjab.

Malik Muhammad Hayat Khan, Nun, Provincial Civil Service, Punjab.

No. 1643-H.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Sardar Bahadur, as a personal distinction, upon—

Sardar Sahib Malik Mohan Singh, President, Rawalpindi Municipal Committee, Punjab.

Sardar Sahib Sardar Nand Singh, Inspector of Police (Retired), Punjab.

No. 1644-H. – His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Bahadur, as a personal distinction, upon—

Chaudhri Sultan Muhammad Khan, Barrister-at-Law, of Kala Kadir, Tahsil Raya, Sialkot, Punjab.

Khan Maula Dad Khan, of Jhang, Punjab.

Khan Sahib Malik Sardar Ali, Deputy Superintendent of Police, Punjab.

Khan Sahib Khwaja Abdur Rahman, M.B., Ch.B., D.P H., Assistant Director of Public Health, Punjab.

No. 1645-H.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Bahadur, as a personal distinction, upon—

Pandit Chandar Bhan, Executive Engineer, Public Works Department, Irrigation Branch, Punjab.

Mr. B. C. Chatterjea, Head Master, Mission High School and Member of the Bench of Honorary Magistrates, Gujranwala, Punjab.

Rai Sahib Lala Sain Dass, Honorary Magistrate, Amritsar, Punjab.

Lala Dhanpat Rai, B.A., LL B., Vakil of the High Court of Judicature at Lahore, Punjab.

Pandit Ganga Bishan, Civil Surgeon of Patiala, Patiala State, Punjab.

No. 1647-H.—His Excellency the Viceroy and Governor-General is pleased to confer upon Pandit Ram Parshad, Rajvaid, Patiala State, Punjab, the title of Vaidyaratna, as a personal distinction.

No. 1648-H.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Sardar Sahib, as a personal distinction, upon—

Bhai Jiwan Singh, Tahsildar, Punjab.

Sardar Bahal Singh, of Raja Jang, Honorary Magistrate, Kasur, Punjab.

Sirdar Udhe Singh, Manager, Court of Wards, Shahkot, Jullundur Division, Punjab.

No. 1649-H.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Sahib, as a personal distinction, upon—

Chaudhri Ghulam Rasul Sukhera, of Abohar, Ferozepore District, Punjab.

Munshi Ghulam Rasul Khan, House Surgeon, Punjab Veterinary College, Lahore, Punjab.

Mir Ibad-Ullah, B.A., LL.B., Extra Judicial Assistant Commissioner, Punjab.

Chaudhri Ghulam Nabi, Zaildar of Fatehpur, Jullundur Division, Punjab.

Mian Muhammad Ismail, Jailor, Punjab Jail Department.

Chaudhri Ahmad Ali Khan, Zaildar of Khandala-Shaikhan, Jullundur Division Punjab.

Syed Abdul Majid, Census Superintendent, Kapurthala State, Punjab.

S. Abdul Aziz, Senior Auditor and Superintendent, Accountant-General's Offic Lahore, Punjab.

No. 1650-H.—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Sahib, as a personal distinction, upon—

Lala Jai Chand Luthra, M.Sc., Assistant Professor of Botany and Superintendent, Boarding House, Agricultural College, Lyallpur, Punjab.

Lala Behari Lal, Honorary Magistrate, Rewari, Gurgaon District, Punjab.

Lala Dhanpat Rai, Tahsildar, Rewari, Gurgaon District, Punjab.

Lala Sant Ram, Executive Engineer, Public Works Department, Buildings and Roads Branch, Punjab.

Lala Ranjit Gopal, Provincial Civil Service, Punjab.

Lala Raghunath Sahai, B.A., Headmaster, Dyal Singh High School, Lahore, Punjab.

Pandit Gurdas Mall, Assistant Engineer, North-Western Railway.

J. P. THOMPSON,

Political Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, JUNE 2, 1923.

HOME DEPARTMENT.

RESOLUTION.

ESTABLISHMENTS.

Simla, the 28th May, 1923.

No. F.-827-22.—The Secretary of State in Council has decided that in the case of ex-service candidates appointed to the Indian Services under the Reconstruction Regulations, who retire under the terms of the Home Department Resolution No. F.-149-1-Ests., dated the 8th November 1921, as subsequently modified, the portion of their war service which they have been permitted to count for retiring and invalid pensions will not count for the calculation of the pension or gratuity to which they are entitled under paragraph 4 of the Resolution read with Resolution No. 576-Ests., dated the 9th March 1922.

ORDERED that a copy of this Resolution be forwarded to all local Governments and Administrations, to the several Departments of the Government of India (including the Financial Adviser, Military Finance); and to the Heads of Departments subordinate to the Home Department.

Ordered that the Resolution be published in the *Gazette of India* for general information.

C. W. GWYNNE,

Offg. Joint Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

INCOME-TAX.

Simla, the 30th May 1923.

No. 153-S.—In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor General in Council is pleased to order that the following class of income shall be exempt from the tax payable under the said Act and that it shall not be taken into account in determining the total income of an assessee for the purposes of the said Act :—

Value of rations issued in kind, or money allowances paid in lieu thereof, to any officer or other rank in His Majesty's military or air forces, British or Indian, or in the Auxiliary Force, India, or in the Indian Territorial Force, or in the Royal Indian Marine.

2. The Finance Department Notification No. 153-S., dated the 3rd November 1922, is hereby cancelled.

W. GASKELL,

Joint Secretary to the Government of India.

RESOLUTION.

Simla, the 29th May, 1923.

No. 854-C.S.R.—The Government of India have had under consideration the question of reductions in travelling allowance in consequence of the increase in passenger fares on railways and of the general increase in rates of pay of Government servants. In paragraph 11 on page 284 of their report, the Retrenchment Committee have also recommended, as a measure of economy, the raising of the limits of pay adopted for classification of officers in the supplementary rules and the alteration of the rule which allowed to officers of the first three grades for incidental expenses an additional fare of the class in which they are entitled to accommodation. The Government of India have, after careful consideration of the recommendations of the Committee, decided to amend the supplementary rules as follows with effect from 1st June 1923. The special classification under Appendix 18, Civil Service Regulations, and the special higher rates of daily allowance under Appendix 25, Civil Service Regulations, will continue in force so far as officers whose pay is debitable to Central Revenues and who are not under the administrative control of a Governor in Council acting as the agent of the Governor General in Council are concerned.

For rule 17 *subtitute* "For the purpose of calculating travelling allowance, Government servants are divided into four grades as follows :—

(*a*) The first grade includes officers of the services included in the accompanying schedule and all other officers of Government in receipt of actual pay exceeding Rs. 750.

(*b*) The second grade includes all Government servants in receipt of actual pay exceeding Rs. 200 but not exceeding Rs. 750.

(*c*) The third grade includes all other Government servants in superior service, except police constables and forest guards.

(*d*) The fourth grade includes police constables, forest guards, and all Government servants in inferior service."

For rule 34 (*c*) (*ii*) (2) *substitute* "Where there are three classes, second class, if his pay is not less than Rs. 100 and third class if it is less than Rs. 100."

For rule 36 *substitute* "Except in the case of journeys on transfer (the rules about which are contained in Section XI) and journeys of Government servants required to accompany the headquarters of the Government of India (which are governed by the Simla Allowances Code), the mileage allowance admissible to a Government servant of the first, second, or third grade is $1\frac{3}{5}$ the fare of the class in which he is entitled to accommodation. The mileage allowance admissible to a Government servant of the fourth grade is the fair of the lowest class, except for journeys under the Simla Allowances Code."

In rule 37, line 13, *for* 'Rs. 50' *substitute* 'Rs. 100'.

For rule 41 *substitute* "Except in the case of journeys on transfer (the rules about which are contained in Section XI), the mileage allowance admissible to a Government servant of the first, second or third grade is $1\frac{3}{5}$ the fare of the class in which he is entitled to accommodation. The mileage allowance admissible to a Government servant of the fourth grade is the fare of the lowest class.

In cases where the steamer company has two rates of fare, one inclusive and one exclusive of diet, the word 'fare' in this rule should be held to mean fare exclusive of diet."

For rule 46 (b) *substitute* "When a Government servant travels within the territories administered by a Local Government which has fixed special rates for Government servants under its administrative control, he must draw mileage allowance at the rate fixed for a Government servant drawing the some pay in those territories, and when he travels within the jurisdiction of the following minor administrations, his mileage allowance will be at the rate fixed for a Government servant drawing the same pay in the province noted opposite :—

Chief Commissioner and Agent to the Governor-General, North-West Frontier Province	Punjab.
Chief Commissioner and Agent to the Governor-General, Baluchistan	Punjab.
Chief Commissioner, Delhi	Punjab.
Chief Commissioner, Ajmere-Merwara, and Agent to the Governor-General, Rajputana	Punjab.
Agent to the Governor-General, Central India	Punjab.
Chief Commissioner, Coorg, and Resident, Mysore	Madras.
Resident, Hyderabad	Madras."

For rule 51 (a) (ii) *substitute* "A Government servant of the second grade—annas 4 for every Rs. 25 or fraction of Rs. 25 subject, in the case of officers drawing not more than Rs. 500, to a maximum of Rs. 3. The daily allowance for officers drawing pay exceeding Rs. 500 but not exceeding Rs. 750 is Rs. 4."

For rule 51 (b) *substitute* " When a Government servant travels within the territories administered by a local Government which has fixed special rates for Government servants under its administrative control, he must draw daily allowance at the rate fixed for a Government servant drawing the same pay in those territories, and when he travels within the jurisdiction of the following minor administrations, his daily allowance will be at the rate fixed for a Government servant drawing the same pay in the province noted opposite :—

Chief Commissioner and Agent to the Governor-General, North-West Frontier Province	Punjab.
Chief Commissioner and Agent to the Governor-General, Baluchistan	Punjab.
Chief Commissioner, Delhi	Punjab.
Chief Commissioner, Ajmere-Merwara, and Agent to the Governor-General, Rajputana	Punjab.
Agent to the Governor-General, Central India	Punjab.
Chief Commissioner, Coorg, and Resident, Mysore	Madras.
Resident, Hyderabad	Madras."

Add as Rule 51 (c).—For Government servants detained on duty in the presidency towns of Bombay and Calcutta the rate of daily allowance will be double the rates admissible under clause (*a*).

Insert as Rule 76-A.—As a partial exception to rule 76, in the case of halts on tour the daily allowance ordinarily admissible under these rules may be drawn in addition to the mileage allowance on the day of arrival at the place of halt if the Government servant arrives before noon and on the day of departure if he leaves after noon, provided that when the day of arrival and the day of departure are consecutive daily allowance can be drawn for one day only on these conditions.

Rule 101.—For the words " one first class fare " at the end of this rule *substitute* " ⅘ths first class fare."

Rule 116 (*a*).—*Omit* " in addition to that prescribed by rule 115 " at the end.

For I (*i*), *substitute* " He may draw three fares of the class to which his grade entitles him ".

In II (*i*) before the words 'he may draw' *insert* " in addition to the mileage admissible during journeys on tour."

Ordered that the Resolution be published in the *Gazette of India*.

The Schedule.

(1) Indian Civil Service.

(2) Indian Police Service.

(3) Indian Forest Service.

(4) Indian Educational Service.

(5) Indian Agricultural Service.

(6) Indian Service of Engineers.

(7) The Indian Veterinary Service.

(8) Indian Medical Service.

(9) Imperial Customs Service.

(10) Indian Audit and Accounts Service (Civil and Military).

(11) Superintendents and Class I of the Survey of India Department.

(12) The Superior Staff of the Geological Survey of India Department.

(13) The Superior Telegraph Branch of the Post and Telegraph Department.

(14) The State Railway Engineering Service.

(15) The Superior Staff of the Mint and Assay Departments.

(16) The Archæological Department.

A. C. McWATTERS,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 1st June 1923.

PART B.

PROMOTIONS.

MILITARY WORKS SERVICES AND PUBLIC WORKS DEPARTMENT, INDIA.

No. 739.—Sub-Conductor George Jackson, Public Works Department, Punjab, *seconded*, to be Conductor, and to remain *seconded*.

E. BURDON,

Secretary to the Government of India.

PUBLIC WORKS BRANCH.

ENGINEER ESTABLISHMENT.

Simla, the 28th May, 1923.

No. 14.—Mr. Arjun Dass Agarwala, Assistant Executive Engineer, Central Provinces, is transferred to the Punjab, with effect from the afternoon of the 5th May, 1923.

The 30th May, 1923.

No. 15.—Mr. Mohamad Abdul Hamid has been appointed by His Majesty's Secretary of State for India to the Indian Service of Engineers in the Punjab, as an Assistant Executive Engineer, with effect from the 5th November 1922.

A. H. LEY,

Secretary to the Government of India.

388 PGG—872—22-6-23—SGPP Lahore.

Registered No. L. 864

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PUNJAB AND ITS DEPENDENCIES.

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LAHORE, FRIDAY, JULY 13, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, MAY 5, 1923

FINANCE DEPARTMENT.

(CUSTOMS.)

Dated Simla, the 30th April 1923.

NOTIFICATION.

No. 114.—In exercise of the powers conferred by clause (*a*) of section 9 of the Indian Stamp Act, 1899 (II of 1899), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Finance Department, No. 3616-Exc., dated the 16th July 1909, namely :—

After entry No. 53-A. in the said notification, the following entry shall be inserted, namely :—

"53-B.—Contracts for works entered into with the Public Works Department in Forms F.-1 or F.-2 of the Public Works Department Form Book."

A. C. McWATTERS,

Secretary to the Government of India.

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FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, JUNE 30, 1923.

FINANCE DEPARTMENT.

NOTIFICATION.

LEAVE AND APPOINTMENTS.

Simla, the 28th June, 1923.

No. 1564-F.E.—It is hereby notified for general information that an examination will be held in December 1923 for the selection of probationers to fill one vacancy in the Indian Audit and Accounts Service and two vacancies in the Military Accounts Department. An appointment in the latter involves a definite liability for service in any part of India, including Burma, as well as for field service both in and out of India, and candidates will have to sign a definite undertaking to this effect before being appointed. Only those candidates who have been nominated by the Government of India in the Finance Department will be allowed to compete at the examination. The place and date of commencement of the examination will be announced later.

A. C. McWATTERS,

Offg. Secretary to the Government of India.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 30th June, 1923.

No. M.-665.—The following letter from the Government of India to local Governments and Administrations is published for general information :—

No. M.-665.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR.

MINES REGULATIONS.

FROM

A. H. LEY, ESQ., C.I.E., I.C.S.,

Secretary to the Government of India,

To

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

Dated Simla, the 22nd June 1923.

SUBJECT:—*Employment of women in mines and introduction of a system of shifts.*

SIR,

I am directed to address you with regard to two important questions in connection with the regulation of mines, namely, the employment of women in mines and the introduction of a system of working by shifts.

2. *The employment of women in mines.*—Section 20, sub-section (2) (*l*) of the Indian Mines Act, 1901, enables the Governor-General in Council or the Local Government to make rules prohibiting, restricting or regulating the employment of women below ground or on particular kinds of labour where such employment is attended by danger to the life, safety or health of such women. In the twenty-two years since the Act was passed no rules appear to have been made under this sub-section. It will be observed that rules could be made only if it could be proved in each case that the employment was attended by *danger* to life, safety or health and not because of objections based on general, social or hygienic considerations. When framing the Bill which has since become Act IV of 1923 and will come into force on the 1st July 1924, the Government of India considered carefully a proposal to prohibit forthwith the employment of women in mines by statute. They came to the conclusion that it would be inexpedient to make any such provision immediately effective in view of the fact that women form more than a third of the mining labour of the country and the immediate

prohibition of their employment would very seriously disorganize a very important key industry. In the Bill introduced in the Legislative Assembly in September 1922, two provisions were inserted bearing on this point. In the first place it was proposed to prohibit the presence of all children below ground in a mine. This provision has since become law (section 26 of the Act of 1923), and will, it is anticipated, automatically involve the exclusion from mines of some proportion of the women who would otherwise work below ground. Secondly, in clause 30 (*d*) of the Bill it was proposed to give the Local Government power to prohibit, restrict or regulate the presence or employment in mines of women either above or below ground, or on particular kinds of labour. It will be noticed that this was a very much wider authority than either the Government of India or Local Governments possess under the Act of 1901. After the Bill was introduced there was considerable discussion on the subject in the press and elsewhere. The Joint Committee of the Indian Legislature to which the Bill was referred devoted particular attention to this point. In their report they made the following observations on the subject:—

> "*Employment of women.*—The present law regarding the employment of women is contained in section 20 (2) (*l*) of Act VIII of 1901. This is a provision which enables rules to be made prohibiting, restricting or regulating the employment of women either below ground or on particular kinds of labour where the employment is attended by danger. The rule-making power vests in the Governor-General in Council or the Local Government. The Bill referred to us in clause 30 (*d*) enables a Local Government, subject to control, to make rules prohibiting, restricting or regulating the presence or employment in mines of women, either above or below ground or on particular kinds of labour. It is, we think, generally realized that the absolute prohibition of the employment of women below ground in coal mines is a mere matter of time. It cannot be introduced at once because time must be given to employers to replace the labour of the 90,000 women who are at present working in mines. Some of us pressed for the inclusion of a statutory prohibition in the Bill with a provision that it should not come into force for five years after the passing of the Bill. We think, however, that this would involve such a radical alteration in the Bill that re-circulation would be essential, and as we are reluctant to delay its passage, we think it desirable to attempt to effect a compromise. We have, in the first place, transferred the provision relating to the employment of women from clause 30 to clause 29 of the Bill, so that the power of control may vest in the Governor-General in Council. We have further re-drafted the provision so as to follow more closely the wording of the present law. We desire, however, to place on record a recommendation that the question of the employment of women below ground in mines should be taken up at a very early date with Local Governments with a view to prohibiting such employment either in all mines or in particular classes of mines at the end of a specified period, which we think should be about five years."

In accordance with the recommendation of the Joint Committee, section 29 (*j*) of the Act of 1923 empowers the Governor-General in Council "to make regulations .... for prohibiting, restricting or regulating the employment in mines or in any class of mines of women either below ground or on particular kinds of labour which are attended by danger to the life, safety or health of such women." I am to invite attention to the phraseology of the clause. The power conferred on the Government of India is not as wide as was proposed for Local Governments in the Bill as originally introduced, for, in the case of labour, *other than below ground*, the Government of India must be satisfied, as in the Act of 1901, that the labour of the women concerned is attended by danger to their life, safety or health.

3. In accordance with the suggestion made in the report of the Joint Committee and quoted above, I am to ask for the views of the Local Government on the question of framing regulations under clause (*j*) of section 29 of Act IV of 1923.

4. The question of the prohibition of the employment of women in mines was raised by the Secretary of State for India as long ago as 1890, when Lord Cross forwarded to the Government of India the proceedings of the Berlin Conference and suggested that Government should consider the advisability of legislating for the regulation of the employment of women in mines. The Government of India took the question up along with the general proposals for the regulation of mines to insure the health and saftey of the workers. The Bill framed in 1899, for the inspection and regulation of mines, contained a clause empowering an Inspector of Mines to prohibit the employment of women when such employment was dangerous, or unsuited to female labour; and another clause empowering the Governor-General in Council, and the Local Government, to make rules prohibiting, restricting or regulating the employment of women below ground or on particular kinds of labour. When the Bill was submitted to the Secretary of State for his approval, the Secretary of State noted that, while the Bill provided for the supervision and control of female labour, it did not prohibit the employment of women altogether; he warned the Government of India that, as the mining industry developed, it would become increasingly difficult to prohibit the employment of women, and suggested that the question of further safeguarding such employment should be

carefully considered in Committee. When the Bill was circulated, the provisions regulating the employment of women aroused considerable criticism, and expression was given to the fear that if steps were taken to prevent their female relatives from going below ground with the male workers, the latter would themselves refuse to work in the mines. It was argued that the conditions of employment in Indian mines were fundamentally different from those in western countries; that Indian mine labour worked in family gangs, the women assisting their relatives and helping to swell their earnings and that, when proper precautions were taken to secure ventilation and to make the workings heathy, conditions in the mines were not unpleasant or prejudicial to health. When the Bill was finally considered in the legislature the provisions relating to the employment of women were altered into the form in which they appear in the Act of 1901.

5. Since that time, mining conditions have undergone a considerable change. Indian mining is no longer in its infancy. The mines are deeper, and the risk of danger is accentuated. There is a steadily increasing body of public opinion, which strongly deprecates the continued employment of women in mines. The Government of India accept the view of the Joint Committee of the Indian Legislature that the time has now come to consider seriously the prohibition of employment of women underground, particularly in coal mines, in which probably the conditions of work are hardest and open to most objection. As stated above, however, more than a third of the total mining community are women, and although manual labour in mines is to some extent being supplanted by machine cutters, it is an undoubted fact that the sudden removal of female labour from underground work in mines would seriously dislocate the industry, and possibly compel a number of mines to close down. The only way of minimizing such a dislocation would be by giving the mine-managers sufficient notice of the intentions of Government, to enable them to secure and train the new labour which they will require, when the underground employment of women is prohibited.

6. I am now directed to ask that the Government of India may be favoured with the views of the Local Government on the general proposition that the employment of women in mines, or in particular classes of mines, should be prohibited at some specified time, *e.g.*, five years after the new Mines Act comes into force. I am in particular to enquire whether the Local Government would make the prohibition a general one, or applicable only to certain calsses of mines, such as coal mines, and whether the period of grace suggested before the prohibition comes into effect, *viz.*, five years, is suitable. The Government of India are provisionally of opinion that the prohibition should apply only to workings which extend beneath the superjacent ground; there would appear to be no greater objection to the employment of women above ground or in open quarries or shallow pits than to their employment on ordinary earth-work. But on this point too the Government of India would be glad of the views of the Local Government.

7. *The introduction of a system of shifts in coal mines.*—In the course of the discussions in the Indian Legislature on the clause enacted as section 23 of the new Indian Mines Act, which prescribes weekly limits of work for mine labourers generally, it was contended in certain quarters that the prescription of a weekly limit did not go far enough; it was urged that in the coalfields miners worked sometimes for 18 hours a day, a practice which the prescription of a weekly limit would not stop. It was recognized, however, that under present conditions of mine-labour in the coalfields it was impracticable to insist on a daily limit of hours, although it might be possible, if due warning were given to the mine-owners, to introduce at some later date a system of shifts, which would automatically restrict the hours which an individual labourer could work in a single day. I am to note here that the Act of 1923 does not authorise the enforcement of a system of shifts and if any such system is to be made compulsory, fresh legislation will be necessary.

8. From the point of view of the proper and economic working of the collieries there is little doubt that the introduction of a system of shifts would be an advantage. Instead of relying as at present on a fluctuating labour supply, which works for perhaps three days and absents itself for the remainder of the week, the mine-manager would be assured of a constant supply of regular labour. This argument was urged by Mr. Treharne Rees in 1919 after a careful examination of mining methods in the Indian coalfields and the principle of a shift system appears generally to have commended itself to the Coalfields Committee in 1920, though that Committee were of opinion that in view of the then existing labour conditions it would be premature to enforce such a system by statute. The crux of the difficulty is undoubtedly the effect which the introduction of fixed and limited hours of work would have on the labour population at the mines. Although it is an accepted fact that the restriction of daily working hours to a reasonable limit ordinarily makes for a more contented and efficient labour force, it is certain that in the peculiar conditions of mining labour in the coalfields a statutory restriction of this nature, imposed without due warning, would be unwelcome to the miners and might quite possibly drive a number of them away to other employment, where they would be free of statutory interference. If such was the case, the proposed legislation, while doing little good to the labourers themselves, would seriously affect the coal industry and, by curtailing the output of coal, be a source of grave embarrassment to other industries which depend on coal for their source of power.

9. The Government of India are however, provisionally of opinion that any such dislocation of the labour supply could be minimized by giving the industry ample warning that a compulsory shift system would be introduced in coal mines on a fixed date some years hence. They are inclined to the view that, if as appears to them probable, the change in the methods of work in the coal mines which the introduction of a system of shifts would involve would be to the ultimate advantage at once of the mine-owners and of the labourers themselves, the introduction of this change is probably only a matter of time. It might be possible in the first instance to arrange the shifts in such a manner as to interfere as little as possible with existing mining practice. For instance, it has been suggested that, to commence with, the day might be divided into two shifts of twelve hours each (6 A.M. to 6 P.M. and 6 P.M. to 6 A.M.). The Government of India are inclined to the view that, as the labourers become used to the stricter regulation of hours which a shift system postulates, the time will come when a shorter working day with definite rest intervals will have to be imposed.

10. I am to ask for the views of the Local Government on this question, both generally and with particular regard to the following points :—

(a) Whether the introduction of a compulsory system of shifts is practicable and advisable ;

(b) What period of grace should be given before any legislation enforcing such a system should be imposed ;

(c) What limit should be placed on the working day, and what particular system of shifts should be enforced ;

(d) Whether such legislation should apply to any mines other than coal mines ;

(e) If applied only to coal mines, whether it should be enforced in all coalfields without exception. Attention is in this connection invited to paragraph 47 of the Report of the Coalfields Committee. The Government of India believe that the views of that Committee that any such system, if adopted at all, should be adopted universally, are likely to meet with general approval.

11. The Local Government will realize that this question of the introduction of a system of shifts is on a different footing from the question of prohibiting the employment of women, since the latter can be effected by regulations made under the Act of 1923, while the former would require legislation. In these circumstances, the Local Government may find it convenient to deal with the two questions independently, making each the subject of a separate reply.

I have the honour to be,

Sir,

Your most obedient servant,

A. H. LEY,

Secretary to the Government of India.

485 PGG -872—13-7-23—SGPP Lahore.

[illegible]

10. I am to ask for the views of the Local Government on this question, both generally and with particular regard to the following points:—

(a) Whether the introduction of a compulsory system of shifts is [illegible] and advisable;

(b) What class of persons should [illegible] any legislation [illegible] the system should be imposed;

(c) What limit should [illegible], and what particular [illegible] should be enforced;

(d) Whether such legislation should [illegible];

(e) [illegible] applied only to [illegible] [illegible] of approval.

11. The Local Government will [illegible]

I have the honour to be,

Sir,

Your most obedient servant,

A. H. LEY,

Secretary to the Government of India.

Registered No. L. 864.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JULY 20, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, JUNE 16, 1923.

DEPARTMENT OF INDUSTRIES AND LABOUR.

Public Works Branch.

NOTIFICATION.

ENGINEER ESTABLISHMENT.

Simla, the 14th June 1923.

No. 18.—Lala Champa Lal and Lala Brij Mohan Lal have been appointed by His Majesty's Secretary of State for India to the Indian Service of Engineers in the Punjab as Assistant Executive Engineers, with effect from the 23rd November 1921 and 3rd November 1922, respectively.

A. H. LEY,

Secretary to the Government of India.

524 PGG—872—20-7-23—SGPP Lahore.

Registered No. L. 884.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, AUGUST 3, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, JUNE 2, 1923

HOME DEPARTMENT.

Simla, the 31st May, 1923.

NOTIFICATION.

No. F.-215-23-Public.—The Governor General in Council directs that the following rules regarding the use of uniform by officers in civil employ be published for general information, in supersession of all previous orders on the subject :—

Rules regarding the use of uniform by officers in civil employ.

[These rules do not apply to officers holding political appointments, whose uniform will continue to be regulated by the orders issued in the Foreign and Political Department.]

I.—The uniform to be worn by officers in civil employ will be that shown in the schedule appended to these rules, but in the case of Indian gentlemen who hold any of the offices therein specified a *pagri* may be substituted for the cocked hat, helmet or forage cap prescribed in the rules, or the national dress which they are accustomed to wear, on ceremonial occasions may be worn in place of uniform. Indian gentlemen appointed to the Members of Council and Ministers may wear the alternative official dress described in the schedule in place of uniform so long as they hold such appointments.

Provided that—

(1) First and Second Class Uniform.—The wearing of the Full Dress Coat is optional, as the Levée Coat may be substituted for it, at the option of the wearer, on all occasions when Full Dress is prescribed

and (2) In lieu of Uniform or Court Dress the alternative Dress described in the schedule may be worn at all evening functions when Uniform or Court Dress is prescribed.

II.—Civil officers who do not hold purely political appointments, but merely have some political work to do in addition to the ordinary duties of their office, are not entitled to wear political uniform.

III.—An officer is not entitled to continue to wear the uniform of an office which he has ceased to hold.

IV.—(*a*) A Military officer who is appointed substantively to any civil office for which uniform is prescribed shall wear the uniform of that office.

Exception.—Royal Engineer officers and officers of the Indian Medical Service in civil employ, who are liable to recall to military duty and are required to maintain their military uniform are not required to wear civil uniform, but shall wear military uniform on all occasions when military officers wear uniform.

(*b*) On all State and other occasions when military officers wear uniform, military officers who are in permanent civil employ, but who do not hold an appointment which carries the right to wear civil uniform, may at their option wear either military uniform or plain clothes.

Exception.—Royal Engineer officers, officers of the Indian Medical Service and the Survey of India and Cantonment Magistrates wear military uniform on all occasions when military officers wear uniform.

(*c*) Military officers who are temporarily in civil employ shall wear their military uniform, but may, if they desire, wear plain clothes instead of mess uniform, on occasions when the latter is worn by officers in military employ.

V.—An officer appointed temporarily to an office, for which a uniform is prescribed, need not wear that uniform.

VI.—Retired civil officers, who, when last on duty in India, were entitled to wear uniform, will be permitted to wear their uniform at the Court of His Majesty the King Emperor; such officers will, when living in India, be permitted to wear their uniform at Government House and on any occasion on which, before their retirement, they would have worn it.

VII.—Civil officers whose retirement is due to misconduct will not enjoy the privilege conferred by rule VI.

VIII.—Members of the Indian Civil Service, and Indian Gentlemen appointed to be Members of an Executive Council and Ministers, when on leave in England, or otherwise present there during their service, will be permitted to wear their uniform at the Court of His Majesty the King-Emperor.

IX.—All persons in possession of Civil Uniform made in accordance with the old Regulations may continue to wear such uniform as heretofore.

X.—An officer may wear the class of Uniform to which he is personally entitled when such Uniform is of a higher class than that to which he is entitled by virtue of the office he holds.

SCHEDULE.

I. The following officers wear, for Full and Levée Dress, Uniform of the First Class as described below :—

The Governors of Madras, Bombay and Bengal.

II. The following officers wear, for Full and Levée Dress, Uniform of the Second Class, as described below :—

(1) The Governors of Provinces other than Madras, Bombay and Bengal.

(2) Ordinary Members of the Executive Council of the Governor General.

NOTE.—The Presidents, Council of State and Legislative Assembly, may wear Full and Levée Dress Uniform of the Second Class as an alternative to the Dress prescribed for these officers.

III. The following officers wear, for Full and Levée Dress, Uniform of the Third Class as described below:—

(1) Members of the Executive Councils of Governors and Ministers.

(2) Secretaries, Joint Secretaries, Additional Secretaries, Deputy Secretaries, Additional Deputy Secretaries, Under Secretaries, and Additional Under Secretaries to the Government of India other than those serving in the Foreign and Political Department; and in the Army Department, when officers of the Army.

(3) The Chief Commissioner and the Financial Commissioner, Railways, and Members, Secretary, Joint Secretary and Chief Engineer of the Railway Board.

(4) Financial Adviser and Deputy Financial Advisers (Military Finance), the Solicitor and Assistant Solicitor to the Government of India, and Actuary to the Government of India.

(5) Heads and other officers of Department subordinate to the Government of India, *viz.* :—

Auditor-General.

Members, Board of Inland Revenue.

Commissioner, Northern India Salt Revenue.

Controller and Deputy Controllers of the Currency.

Accountants General.

Comptroller, Assam.

Chief Auditors of State Railways.

Collectors of Customs.

Inspector General and Assistant Inspector General of Forests.

Educational Commissioner with the Government of India.

Surveyor General of India.

Director General of Archæology in India.

Agricultural Adviser to the Government of India.

Public Health Commissioner with the Government of India.

Director, Intelligence Bureau, Home Department.

Director and Assistant Director of Public Information with the Government of India.

Census Commissioner.

The Private Secretary to His Excellency the Viceroy when not an officer of the Army or a Member of the Political Department of the Government of India or of the Bombay Political Department.

Chief Commissioner, Andaman and Nicobar Islands.

Director General of Commercial Intelligence.

Director General and the Financial Adviser, Posts and Telegraphs.

Post Masters General (including Deputy Directors General, Post Offices).

Chief Engineer, Telegraphs.

Deputy Director General, Telegraphic Traffic.

Directors of Telegraph Engineering (including Deputy Chief Engineers, Telegraphs and Deputy Chief Engineers, Telephones).

Director of Wireless.

Consulting Engineer to the Government of India.

Director, Geological Survey of India.

Director General of Observatories.

Controller of Printing, Stationery and Stamps.

Chief Controller of Stores, Indian Stores Department.

Director of Purchase and Intelligence, Indian Stores Department.

Director of Inspection, Indian Stores Department.

(6) Secretaries to local Governments and Deputy Secretaries in the Political Departments of local Governments.

(7) Certain Heads of Departments and other officers under local Governments, *viz.* :—

Members of Boards of Revenue.

Financial Commissioners.

Commissioners of Divisions.

Agency Commissioners, Madras.

Commissioners of Customs, Salt, Opium and Abkari in Bombay.

Directors of Public Instruction.

Inspectors General of Prisons (when not Military Medical Officers).

Settlement Commissioners.

Chief Conservators of Forests.

Private Secretaries to the Governors of Madras, Bombay and Bengal when not Officers of the Army or members of the Political Department of the Government of India or of the Bombay Political Department.

Note.—The Presidents of Provincial Legislative Councils may wear Full and Levée Dress uniform of the Third Class as an alternative to the Dress prescribed for these officers.

IV.—The following Officers wear for Full and Levée Dress, Uniform of the Fifth Class as described below :—

1. Private Secretaries to the Governors of Provinces other than Madras, Bombay and Bengal, when not Officers of the Army or Members of the Political Department of the Government of India or of the Bombay Political Department.
2. Under Secretaries to local Governments in the Political Department.

DESCRIPTION OF CIVIL UNIFORM.

FULL DRESS.

[*Extract from the publication * entitled "Dress and Insignia worn at Court" (page 37).*]

Coat for 1st and 2nd classes.—Blue cloth, single-breasted, stand collar. The collar and gauntlet cuffs are of black velvet, and the pocket flaps, of blue cloth. Nine buttons up the front showing between the two embroidered edges (which are made to hook), two at the waist behind, and two at the bottom of the backskirts. White silk linings. A white collar may be worn inside the collar of the coat.

Gold oakleaf embroidery on the fronts as follows :—

1st class not more than five inches wide, and the 2nd class not more than four inches wide at the base of each front, but to spread across the chest according to figure.

The embroidery on the cuffs should not exceed the following widths :—1st class, 5 inches, 2nd class, 4 inches. The 1st has a purl edging and the 2nd a saw edge.

The collar, pocket flaps, back, skirts, back skirts and side edges are also embroidered.

Coat for 3rd and 5th Classes.—The same as for Levée Dress.

Buttons.—Gilt, mounted, The Royal Arms with supporters.

Hat.—1st Class. Black beaver cocked hat, black silk cockade. Treble gold-bullion loop and tassels with hangers. Hangers now take the form of ornaments fixed on the top of the tassels, which do not hang. White ostrich feather border.

2nd class. As above, with double gold bullion loop, gold tassels without hangers.

3rd and 5th classes. As above, with plaited gold bullion loop, and *black* ostrich feather border. No tassels.

Breeches.—White kerseymere with three covered buttons at the knees.

Hose.—White silk.

Shoes.—Black patent leather.

Sword.—Of Regulation pattern with black scabbard and gilt mountings.

Sword Knot.—Gold lace strap with bullion tassel.

Sword Belt.—White web, with white cloth frog.

Buckles (knee and shoe).—Gilt, Rose, Shamrock and Thistle pattern.

Gloves.—White.

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* Harrison and Sons, Limited, 44 St. Martins Lane, Edition 1921.

LEVÉE DRESS.

(Extract from the same publication, pages 37-38.)

Coat.—Blue cloth, single-breasted, stand collar. The collar and gauntlet cuffs are of black velvet, and pocket flaps of blue cloth. Nine buttons up the front (to button), and two at the waist behind, and two at the bottom of the back skirts. Black silk linings. A white collar may be worn inside the coat.

Buttons.—Gilt, mounted, the Royal Arms (without supporters), surmounted by the Imperial Crown.

The 1st and 2nd classes have gold embroidery on the collar, cuffs, pocket flaps and between the buttons at the waist behind, as on the full dress coat.

The 3rd and 5th classes have embroidery on the collar, cuffs, back, and pocket flaps. The gold oakleaf embroidery for the two classes is the same on the cuffs and pocket flaps, one inch wide within a "saw" edge. The back embroidery is also identical in both classes. The collar of the 3rd class has a saw edge and front embroidery 4½ inches long, and that of the 5th class a saw edge only.

Trousers.—Blue cloth, with Gold Oakleaf Lace on the side seams. The width of the lace as follows:—

1st and 2nd classes, 2½ inches.

3rd and 5th classes, 1¾ inches.

Boots.—Plain, patent, with Military fronts and elastic sides.

Hat.—
Sword.— } The same as for full dress.
Sword Knot.—
Sword Belt.—White web with blue cloth frog.
Gloves.—White.

For Mourning.—A black crepe band 3¼ inches wide, worn above the elbow on the left arm.

NOTE.—(*i*) The full dress coat for the 3rd and 5th classes is the same as the levée dress coat prescribed for these classes.

(*ii*) On certain ceremonial occasions in England Full Dress is sometimes worn with trousers, *viz.*, at Royal Weddings and when His Majesty opens Parliament. It may similarly be so worn in India when specially ordered.

The two classes of uniform should be worn on the following occasions respectively :—

Full Dress.—State Balls and Drawing Rooms, and all State ceremonies in the evening at which ladies are present.

Levée Dress.—State dinners, Levées, and official arrivals and departures.

(*iii*) The hat described under Full Dress should not be worn in the day-time but the helmet described under Undress below.

UNDRESS—(*Morning*).

(The details of this uniform are the same as provided in the rules of 1911.)

Coat.—Blue cloth (frock) with black silk lining, black velvet collar and cuffs, and buttons, gilt mounted. The Royal Arms (without supporters) surmounted by the Imperial Crown. Three buttons on each side of coat, four on cuffs, two at waist behind, one at bottom of back skirts.

Waist coat.—White marcella, single-breasted, with five or six small buttons as above.

Hat.—Helmet, white Wolseley regulation, with white top button, and white silk *pagri* with gold fringe. Gilt chin-chain, lined with white leather, with rose-hook fixed on first seam of Crown from centre of back on right side about three inches from centre of top button, according to sealed pattern.

Overalls.—Blue cloth, with gold oakleaf lace one inch wide, and straps.

Sword.—Mameluke pattern. Brass scabbard.

Sword Knot.—Round gold cord strap with bullion tassel.

Sword Belt.—One and a half inches wide. Lining of red Morocco leather. Sling, Russian leather one inch wide on red Morocco leather, covered with gold oakleaf lace.

Forage Cap.—As for staff officers in the army, blue cloth with gold embroidered peak on black patent leather and band of gold oak-leaf lace 1¾ inches wide round the cap. The cap to be fitted with a removable white pique cover, which should always be worn.

Great Coat and Cap.—Blue milled cloth. Double breasted, two rows of gilt buttons down front, six in each row. Stand and fall collar of black velvet, four inches deep with fly to cover band of cap. Loose round cuffs six inches deep, pockets at sides with flaps. Two openings at side seams, with pointed flap, 11 inches long, and three gilt buttons. Sword slit on left side. Opening behind about 25 inches long, and gusset extending to bottom with a tab and button to close it when worn on foot. Cloth back strap with gilt buckle, two inches wide, to confine the coat at waist. Cape of same cloth as coat. Four medium gilt buttons down front to fasten at neck with small strap and buckle. Lined black.

B. N.—The great coat may be worn without the cap, at option.

Boots.—Plain Wellington.

Spurs.—Box, brass, swan-necked.

Gloves.—White dog-skin.

NOTE.—The helmet described above should be worn with Full Dress and Leveé Dress in the day-time and not the hat described under Full Dress.

Officers who provide themselves with undress uniform need not, unless they so desire, also provide themselves with the great coat and cap described in these Regulations.

MESS DRESS.

Coat.—Blue cloth evening coat, black lining. Black Velvet collar and cuffs. Facings plain black silk. Buttons as in morning undress, three on each side of coat, two at waist behind, four on cuffs, none at bottom of back skirts.

Waistcoat.—White marcella, single breasted, without collar, with three or four small buttons as above.

Trousers.—Plain black cloth.

NOTE.—Members of the Viceregal staff wear in place of the coat described above a Blue Evening Dress Coat with black velvet collar. "Star of India" blue silk facing and skirt linings with silk lingings to match. Three buttons, gilt mounted. The Royal Cypher and Imperial Crown, on each front, two at waist behind and four small buttons on each cuff.

HOT WEATHER UNIFORM.

Patrol coat.—White cotton drill, stand and fall collar fastened with one hook and eye. Five gilt medium buttons down front, two patch breast pockets with box plait, one inch wide in centre and pointed flaps with small gilt button in each. Sleeves plain with pointed cuffs 5 inches high at point and 2½ inches behind.

Rank will be designated by shoulder cords and number of buttons on cuffs as follows :—

Shoulder cords.—Of gold wire Lancer shoulder strap cords, on each shoulder.

For Governors, and Ordinary Members of the Executive Council of the Governor-General—four cords twisted.

For officers entitled to wear 3rd class uniform—two cords twisted.

For officers entitled to wear 5th class uniform—two cords straight.

Buttons on cuffs.—For Governors, and Ordinary Members of the Executive Council of the Governor-General—four buttons.

For officers entitled to wear 3rd class uniform—three buttons.

For officers entitled to wear 5th class uniform—two buttons.

Overalls.—White cotton drill overalls with black leather foot straps.

Buttons.—Governors, and Ordinary Members of the Executive Council of the Governor-General wear gilt mounted buttons with the Royal Arms, with supporters. The buttons to be worn with the 3rd and 5th classes of uniform should be gilt, mounted, bearing the Royal Arms without supporters, surmounted by the Imperial Crown.

Helmet, boots, spurs, forage cap, sword and sword belt—As for undress. Belt to be worn under the coat.

NOTE.—This uniform will be worn in substitution either for the full dress or undress uniform during such periods of the year as the local Government may prescribe. Local Governments are authorised to declare that officers need not provide themselves with it unless an occasion arises when they will require it. When the uniform is worn as full dress, medals and decorations will be worn. When it is worn as undress ribons only will be worn.

HOT WEATHER EVENING DRESS UNIFORM.

Mess Jacket.—White drill, roll collar, sleeves plain with pointed cuffs, five inches high at point and 2½ inches behind. Shoulder cords and small gilt buttons on cuffs as prescribed for Hot Weather Uniform.

Waistcoat.—White marcella as for Mess Dress. A plain dark-blue *kamarband* may be worn if preferred.

Overalls.—White drill with black leather foot straps. White drill-trousers may be worn if preferred. If overalls are worn plain military boots (patent leather) must be worn.

Tie.—Black silk.

NOTE.—The possession of this uniform is optional, and it may be worn in substitution for Mess Dress during such periods as the local Government may prescribe.

ALTERNATIVE DRESS FOR EVENING FUNCTIONS ONLY.

The following may be worn in lieu of Uniform or Court Dress at evening functions only—

An ordinary black evening dress coat.

Black or white evening dress waistcoat.

Breeches.—Plain black evening dress material or stockinet, with three small black cloth or silk buttons, and small jet or black buckles at the knee.

Hose.—Black silk.

Shoes.—Plain court with bows, no buckles.

Tie.—White evening dress bow neck-tie

ALTERNATIVE OFFICIAL DRESS FOR USE BY INDIAN GENTLEMEN APPOINTED MEMBERS OF EXECUTIVE COUNCILS OR MINISTERS.

Coat.—Blue cloth buttoned from neck to below waist and then falling loose to knees. Nine buttons up the front to button. Black silk lining.

Buttons.—Gilt, mounted, The Royal Arms (without supporters), surmounted by the Imperial Crown.

The collar and cuffs of black velvet. Gentlemen entitled to wear 2nd class uniform have an edging of purl embroidery on velvet collar and cuffs. Gentlemen entitled to wear 3rd class uniform have no embroidery on collar and cuffs.

Trousers.—White, or white pyjamas.

Head dress.—Distinctive national head-dress worn on ceremonial occasions.

Socks.—Black silk.

Shoes.—Black patent leather with gilt Buckle, Rose, Shamrock and Thistle pattern.

DRESS TO BE WORN BY THE PRESIDENTS OF THE COUNCIL OF STATE AND OF THE LEGISLATIVE ASSEMBLY AND BY PRESIDENTS OF LEGISLATIVE COUNCILS IN GOVERNORS' PROVINCES.

I.—Ordinary occasions when the Council or Assembly is sitting.

A Judge's coat and waistcoat, dark trousers. Or, for Indians (in the alternative).

Black chapkan, with white or black trousers.

Over all—a black silk Gown.

White cambric bands.

II.—Occasions when levée or full dress is prescribed.

The Velvet Court Dress (old style) as described below.

Or for Indians (in the alternative),

Black chapkan, with white or black trousers.

Over all—For the President of the Council of State and the President of the Legislative Assembly—State robe of black Satin damask trimmed with gold: for the Presidents of Legislative Councils—Black Silk Gown, with full bottomed wig, lace bands and white gloves.

Indians may wear, instead of the wig, the Head dress usually worn on ceremonial occasions.

III.—Evening functions when levée or full dress is not prescribed.

Mess dress, as described in the description of Civil Uniform.

Or, for Indians (in the alternative),

Chapkan, with white or black trousers, and also Choga or Jubba if customarily worn on ceremonial occasions.

VELVET COURT DRESS (OLD STYLE).

Coat.—Black Silk Velvet, stand collar, pigeon breasted. Seven buttons on Right front and seven notched holes on the Left. The fronts meet edge to edge at a point on the breast, where they are secured with a hook and eye. Gauntlets cuffs, with three notched holes and buttons. Three-pointed flaps on waist seam, with three buttons, one under each point. Six buttons behind, that is, two at the waist, two at centre of skirts, and two at the bottom of the skirts. Body of the coat should be lined with White Silk and the skirts with Black. Pockets in the breast and in the tails.

Buttons.—Cut Steel.

Black Silk.—" Wig-bag " is attached to the coat at the back of the neck, hanging over the collar.

Waistcoat.—White Satin and Black Silk Velvet. No collar. Four buttons. Skirted fronts, three-pointed flaps to the pockets, with a button under each point.

Breeches.—Black Silk Velvet, with three small steel buttons, and cut steel buckles at the knees.

Hose.—Black Silk.

Shoes.—Black Patent Leather, with cut steel buckles.

Hat.—Black Beaver or Silk Cocked Hat, with a steel loop on a black silk cockade or rosette.

Sword.—Sling Sword, with cut steel hilt and black scabbard with steel mountings.

Sword Belt.—Black Silk Web with slings.

Gloves.—White.

Lace Frill and Ruffles.

C. W. GWYNNE,

Offg Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, JULY 14, 1923.

DEPARTMENT OF INDUSTRIES AND LABOUR.

Public Works Branch.

NOTIFICATION.

Simla, the 5th July 1923.

No. 23.—The following gentlmen, whose appointment as Assistant Executive Engineers was announced in Government of India, Public Works Department, Notification No. 12, dated the 22nd March 1921, are confirmed in their appointments :—

* * * * * * *

Mr. H. A. Harris ... ... Punjab (Buildings and Roads).

* * * * * * *

A. H. LEY,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA", SIMLA, SATURDAY, JULY 21, 1923.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 17th July 1923.

No. 154.—In pursuance of sub-rule (1) of Rule 17 of the Council of State Electoral Rules, the Governor General in Council is pleased to make the following regulation :—

"The return of the election expenses of each person who has been nominated as a candidate for an election to the Council of State shall be lodged with the Returning Officer in the following form :—

FORM OF RETURN OF ELECTION EXPENSES.

COUNCIL OF STATE.

..................................Constituency.

Receipts.	Rs.	Expenditure.	Rs.	Voucher No.
Received of A. B. candidate for the above constituency.		(A) THE PERSONAL EXPENDITURE OF THE CANDIDATE INCURRED OR PAID BY HIM OR BY HIS ELECTION AGENT ON HIS BEHALF, INCLUDING TRAVELLING AND ALL OTHER PERSONAL EXPENSES INCURRED IN CONNECTION WITH HIS CANDIDATURE.		
(Or when the candidate is his own election agent.)				
Paid by me, A. B., candidate for the above constituency.		Paid by me, C. D., as election agent.		
		(Or when the candidate is his own election agent.) Paid by me, A.B., candidate as my own election agent.		
Received of				
(1)		(1) On		
		(2) On		
(2)				
		(3) On		
(3)		(4) On		
(4)		(1) Paid to.................on		
		(2) ,, ...on		
etc., etc.				
		(3) ,, ...on		
		(4) ,, ...on		
Total Receipts ...				
		etc., etc.		
(Here set out the name and description of every person, club, society, or association, whether the candidate or not from whom any money, securities or equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the above election. The amount received from each such person, club, society, etc., to be shown separately.		Details of all expenditure incurred by or on behalf of *the candidate* whether in payment for personal services rendered, on account of hotel bills, for travelling whether by rail or in hired conveyance, or for the purchase of books or election literature, etc., should be shown, either in the account or in a separate list annexed to and referred to in the account.		

FORM OF RETURN OF ELECTION EXPENSES.—*contd.*

Receipts.	Rs.	Expenditure.	Rs.	Voucher No.
		(B) THE NAME, AND THE RATE AND TOTAL AMOUNT OF THE PAY, OF EACH PERSON EMPLOYED AS AN AGENT (INCLUDING THE ELECTION AGENT), CLERK OR MESSENGER ;		
		Received by me, C. D., as election agent for A. B.		
		(When the candidate is his own election agent the above item will be omitted.)		
		(1) Paid to..............as sub-agent at..............		
		(2)		
		(3)		
		(4)		
		etc.		
		(*The name and description of each sub-agent and any sum paid to him must be set out separately.*)		
		(1) Paid to..................as polling agent at the polling station of		
		(2)		
		(3)		
		(4)		
		(1) Paid to......................as clerk for.......... day's services.		
		(2)		
		(3)		
		(4)		
		(1) Paid to..........as messenger for..........day's services.		
		(2)		
		(3)		
		(4)		
		etc.		
		(*The names and description of every agent, clerk and messenger, and the sum paid to each, must be set out separately either in the account or in a separate list annexed to and referred to in the account with the receipted vouchers of the person employed.*)		

FORM OF RETURN OF ELECTION EXPENSES—*contd.*

Receipts.	Rs.	Expenditure.	Rs.	Voucher No.
		(C) THE TRAVELLING EXPENSES AND ANY OTHER EXPENSES INCURRED BY THE CANDIDATE OR HIS ELECTION AGENT ON ACCOUNT OF AGENTS (INCLUDING THE ELECTION AGENT), CLERKS OR MESSENGERS ;		
		Received by me for travelling expenses as election agent.		
		(1) On............Rs..........		
		(2) On............Rs..........		
		(3) On............Rs..........		
		Total ...		
		(If the candidate is his own election agent leave out the above items.)		
		(1) Paid to sub-agent of the polling district of as travelling expenses.		
		(2)		
		(3)		
		(4)		
		(*The name and description of every sub-agent or polling agent and the sum paid to each on account of travelling or any other expenses must be set out separately either in the account or in a separate list annexed to and referred to in the account, which should include purchase of tickets by rail, hire of vehicles or refreshments provided.*)		
		(1) Paid to as clerk for travelling expenses.		
		(2)		
		(3)		
		(4)		
		(*The name and description of every clerk and the sum paid to him on account of travelling or any other expenses must be set out separately either in the account or in a separate list annexed to and referred to in the account, which should include purchase of tickets by rail, hire of vehicles or refreshments provided.*)		

FORM OF RETURN OF ELECTION EXPENSES—*contd.*

Receipts.	Rs.	Expenditure.	Rs.	Voucher No.
		(1) Paid to.................as messenger for travelling expenses.		
		(2)		
		(3)		
		(4)		
		(The name and description of every messenger and the sum paid to him on account of travelling or any other expenses must be set out separately either in the account or in a separate list annexed to and referred to in the account, which should include purchase of tickets by rail, hire of vehicles or refreshments provided.)		
		(D) THE TRAVELLING EXPENSES OF PERSONS, WHETHER IN RECEIPT OF SALARY OR NOT, INCURRED IN CONNECTION WITH THE CANDIDATURE, AND WHETHER PAID OR INCURRED BY THE CANDIDATE, HIS ELECTION AGENT OR THE PERSON SO TRAVELLING;		
		(Under this head should be included any payments made by the candidate, or by the election agent on account of any person who travels in connection with the candidature other than persons whose travelling expenses have been shown in the statement under C. above.)		
		(E) THE COST WHETHER PAID OR INCURRED OF—		
		(*i*) printing, (*ii*) advertising, (*iii*) stationery, (*iv*) postage, (*v*) telegrams, and (*vi*) rooms hired later for public meetings or as committee rooms.		
		(*i*) Paid on account *of Printing*—		
		(1) To......................on		
		(2) To......................on		
		(3) To......................on		
		(4) To......................on		
		Total Printing ...		

FORM OF RETURN OF ELECTION EXPENSES—*contd.*

Receipts.	Rs.	Expenditure.	Rs.	Voucher No.
		(The name and description of each person and the nature of the goods supplied, or the work and labour done by each must be set out separately either in the account or in a separate list annexed to and referred to in the account with receipted vouchers for all sums above Rs. 5.)		
		(ii) Paid on account of *Advertising*—		
		(1) To.....................on		
		(2) To.....................on		
		(3) To.....................on		
		(4) To.....................on		
		Total Advertising ...		
		(The name and description of each person and the nature of the goods supplied, or the work and labour done by each must be set out separately either in the account or in a separate list annexed to and referred to in the account with receipted vouchers for all sums above Rs. 5.)		
		(iii) Paid on account of *Stationery*—		
		(1) To.....................on		
		(2) To.....................on		
		(3) To.....................on		
		(4) To.....................on		
		Total Stationery ...		
		(The name and description of each person and the nature of the goods supplied, or the work and labour done by each must be set out separately either in the account or in a separate list annexed to and referred to in the account with receipted vouchers for all sums above Rs. 5.)		

FORM OF RETURN OF ELECTION EXPENSES—*concld.*

Receipts.	Rs.	Expenditure.	Rs.	Voucher No.
		(*iv*) Paid on account of *Postage*.		
		(*Lump sum may be shewn.*)		
		(*v*) Paid on account of *Telegrams*.		
		(*Lump sum may be shewn.*)		
		(*vi*) Paid for the *hire of rooms* ...		
		(*A room hired for a public meeting or for a committee room or for an office must be named or described so as to identify it, and the name and description of every person to whom any payment was made for each such room, together with the amount paid, must be set out separately either in the account or in a separate list annexed to and referred to in the account.*)		
		(F) ANY OTHER MISCELLANEOUS EXPENSES WHETHER PAID OR INCURRED.		
		Paid to.............................on		
		to.............................on		
		(*The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately either in the account or in a separate list annexed to and referred to in the account.*)		
		In addition to the above, I am aware, as election agent for (C. D.), of the following disputed and unpaid claims, namely :—		
		Disputed claims by......for...... ..		
		(*Here set out the name and description of each person whose claim is disputed, the amount of the claim and the goods, work or other matter on the ground of which the claim is based.*)		
		Unpaid claims by.........for.........		
		(*Here state the name and description of each person to whom any such claim is due, and the amount of the claim and the goods, work and labour or other matter on account of which the claim is due.*)"		

No. 155.—In pursuance of sub-rule (1) of rule 17 of the Legislative Assembly Electoral Rules, the Governor General in Council is pleased to make the following regulation :—

"The return of the election expenses of each person who has been nominated as a candidate for an election to the Legislative Assembly shall be lodged with the Returning Officer in the following form :—

FORM OF RETURN OF ELECTION EXPENSES.

LEGISLATIVE ASSEMBLY.

....Constituency.

Receipts.	Rs.	Expenditure.	Rs.	Voucher No.
Received of A. B. candidate for the above constituency. (Or when the candidate is his own election agent.) Paid by me, A. B., candidate for the above constituency. Received of (1) (2) (3) (4) etc., etc.		(A) THE PERSONAL EXPENDITURE OF THE CANDIDATE INCURRED OR PAID BY HIM OR BY HIS ELECTION AGENT ON HIS BEHALF, INCLUDING TRAVELLING AND ALL OTHER PERSONAL EXPENSES INCURRED IN CONNECTION WITH HIS CANDIDATURE. Paid by me, C. D., as election agent. (Or when the candidate is his own election agent.) Paid by me, A. B., candidate as my own election agent. (1) On (2) On (3) On (4) On (1) Paid to............on...... (2) ,, ...on...... (3) ,, ...on...... (4) ,, ...on...... etc., etc.		
Total Receipts ...				
(Here set out the name and description of every person, club, society, or association whether the candidate or not from whom any money, securities or equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the above election. The amount received from each such person, club, society, etc., to be shown separately.)		Details of all expenditure incurred by or on behalf of *the candidate* whether in payment for personal services rendered, on account of hotel bills, for travelling whether by rail or in hired conveyance, or for the purchase of books or election literature, etc., should be shown, either in the account or in a separate list annexed to and referred to in the account.		

FORM OF RETURN OF ELECTION EXPENSES—*contd.*

Receipts.	Rs.	Expenditure.	Rs.	Voucher No.
		(B) THE NAME, AND THE RATE AND TOTAL AMOUNT OF THE PAY, OF EACH PERSON EMPLOYED AS AN AGENT (INCLUDING THE ELECTION AGENT), CLERK OR MESSENGER ;		
		Received by me, C. D., as election agent for A. B.		
		(When the candidate is his own election agent the above item will be omitted.)		
		(1) Paid to............, as sub-agent at		
		(2)		
		(3)		
		(4)		
		etc.		
		(*The name and description of each sub-agent and any sum paid to him must be set out separately.*)		
		(1) Paid to.................as polling agent at the polling station of		
		(2)		
		(3)		
		(4)		
		(1) Paid to ....as clerk for.............. day's services.		
		(2)		
		(3)		
		(4)		
		(1) Paid to...........as messenger for ....day's services.		
		(2)		
		(3)		
		(4)		
		etc.		
		(*The names and descriptions of every agent, clerk and messenger, and the sum paid to each, must be set out separately either in the account or in a separate list annexed to and referred to in the account with the receipted vouchers of the person employed.*)		

FORM OF RETURN OF ELECTION EXPENSES—*contd.*

Receipts	Rs.	Expenditure.	Rs.	Voucher No.
		(C) THE TRAVELLING EXPENSES AND ANY OTHER EXPENSE INCURRED BY THE CANDIDATE OR ELECTION AGENT ON ACCOUNT AGENTS (INCLUDING THE ELEON AGENT), CLERKS OR MESSENG;		
		Received by me for velling expenses as election t.		
		(1) On............		
		(2) On............		
		(3) On............		
		Total ...		
		(If the candidate own election agent leave out bove items.)		
		(1) Paid to sub-agent of the pol strict of as ing expenses.		
		(2)		
		(3)		
		(4)		
		(The name cription of every sub-agelling agent and the sum to each on account of ng or any other expens be set out separately the account or in a sep annexed to and referre the account, which should purchase of tickets by of vehicles or refreshm ded.)		
		(1) Paid to as clerk for travenses.		
		(2)		
		(3)		
		(4)		
		(The name ription of every clerk m paid to him on ace velling or any other nust be set out sepa r in the account or te list annexed to to in the account, d include purchase rail, hire of vehicl ments provided.)		

FORM OF RETURN OF ELECTION EXPENSES—*contd.*

Receipts.	Rs.	Expenditure.	Rs.	Voucher No.
		(1) Paid to......................as messenger for travelling expenses.		
		(2)		
		(3)		
		(4)		
		(The name and description of every messenger and the sum paid to him on account of travelling or any other expenses must be set out separately either in the account or in a separate list annexed to and referred to in the account, which should include purchase of tickets by rail, hire of vehicles or refreshments provided.)		
		(D) THE TRAVELLING EXPENSES OF PERSONS, WHETHER IN RECEIPT OF SALARY OR NOT, INCURRED IN CONNECTION WITH THE CANDIDATURE, AND WHETHER PAID OR INCURRED BY THE CANDIDATE, HIS ELECTION AGENT OR THE PERSON SO TRAVELLING;		
		(Under this head should be included any payments made by the candidate, or by the election agent on account of any person who travels in connection with the candidature other than persons whose travelling expenses have been shown in the statement under C. above.)		
		(E) THE COST WHETHER PAID OR INCURRED OF—		
		(*i*) printing,		
		(*ii*) advertising,		
		(*iii*) stationery,		
		(*iv*) postage,		
		(*v*) telegrams, and		
		(*vi*) rooms hired later for public meetings or as committee rooms.		
		(*i*) Paid on account *of Printing*—		
		(1) To.............................on		
		(2) To.............................on		
		(3) To.............................on		
		(4) To.............................on		
		Total Printing ...		

FORM OF RETURN OF ELECTION EXPENSES—*contd.*

Receipts.	Rs.	Expenditure.	Rs.	Voucher No.
		(The name and description of each person and the nature of the goods supplied, or the work and labour done by each must be set out separately either in the account or in a separate list annexed to and referred to in the account with receipted vouchers for all sums above Rs. 5.)		
		(*ii*) Paid on account of *Advertising*— (1) To.................. on (2) To.................. on (3) To.................. on (4) To.................. on		
		Total Advertising ...		
		(The name and description of each person and the nature of the goods supplied, or the work and labour done by each must be set out separately either in the account or in a separate list annexed to and referred to in the account with receipted vouchers for all sums above Rs. 5.)		
		(*iii*) Paid on account of *Stationery*— (1) To.................. on (2) To.................. on (3) To.................. on (4) To.................. on		
		Total Stationery ...		
		(The name and description of each person and the nature of the goods supplied, or the work and labour done by each must be set out separately either in the account or in a separate list annexed to and referred to in the account with receipted vouchers for all sums above Rs. 5.)		

FORM OF RETURN OF ELECTION EXPENSES—*concld.*

Receipts.	Rs.	Expenditure.	Rs.	Voucher No.
		(*iv*) Paid on account of *Postage.*		
		(*Lump sum may be shewn.*)		
		(*v*) Paid on account of *Telegrams.*		
		(*Lump sum may be shewn.*)		
		(*vi*) Paid for the *hire of rooms.*		
		(*A room hired for a public meeting or for a committee room or for an office must be named or described so as to identify it, and the name and description of every person to whom any payment was made for each such room, together with the amount paid, must be set out separately either in the account or in a separate list annexed to and referred to in the account.*)		
		(F) ANY OTHER MISCELLANEOUS EXPENSES WHETHER PAID OR INCURRED.		
		Paid to...................... .....on		
		to.............................on		
		(*The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately either in the account or in a separate list annexed to and referred to in the account.*)		
		In addition to the above, I am aware, as election agent for (C. D.), of the following disputed and unpaid claims, namely :—		
		Disputed claims by......for.........		
		(*Here set out the name and description of each person whose claim is disputed, the amount of the claim and the goods, work or other matter on the ground of which the claim is based.*)		
		Unpaid claims by.........for.........		
		(*Here state the name and description of each person to whom any such claim is due, and the amount of the claim and the goods, work and labour or other matter on account of which the claim is due.*)"		

L. GRAHAM,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Simla, the 14th July, 1923.

No. F. 82-22.—In exercise of the powers conferred by section 96B (2) of the Government of India Act, the Secretary of State for India in Council has, with the approval of a majority of votes at a meeting held on the 8th day of May 1923, made the following rule authorising the payment of special pay to the holders of certain appointments not specified in the Resolution of the Government of India in the Home Department, No. 286, dated the 13th February 1920, namely :—

Rule.

The holders of the appointment shown in the schedule hereto attached shall be entitled, with effect from the 1st January 1922, to special pay at the rate specified :

Provided that the amount of special pay admissible to the Registrar of Co-operative Credit Societies, Madras, shall be increased to Rs. 200 with effect from the 8th May 1923.

SCHEDULE.

LIST OF APPOINTMENTS other than those mentioned in paragraph 2 of the Home Department Resolution No. 286, dated the 13th February 1920, to which special pay is attached.

Province.	Appointment.	Monthly amount of Special Pay.	Explanations.
		Rs.	
Madras ...	Director of Industries	250	
" ...	Registrar of Co-operative Credit Societies...	150	*See* proviso to rule.
" ...	Secretaries to Board of Revenue ...	200	The pay of these appointments is subject to a maximum of Rs. 2,000, exclusive of overseas allowance and special pay.
" ...	Deputy Commissioner, Salt and Abkari ...	200	Subject to a maximum for total emoluments of Rs. 1,600.
" ...	Special Settlement Officers	150	
" ..	Assistant Settlement Officers	100	
Bombay ...	Director of Agriculture	150	
" ...	Collector of Bombay	150	
" ...	Salsette Development Officer	150 or 250 according as the officer is paid on the superior or the inferior time-scale.	
" ...	Registrar of Co-operative Societies ...	150	
" ...	Assistant Registrar of Co-operative Societies	100	
" ...	Superintendents of Land Records in the Northern, Central and Southern Divisions and in Sind.	150 each.	
" ...	Manager, Encumbered Estates, Sind ...	200	
Bengal ...	Secretary, Legislative Department ...	200	In addition this officer is entitled to personal pay of Rs. 150 a month. His pay on the superior time-scale is subject to a limit of Rs. 2,500 a month, including overseas pay.
" ...	Deputy Secretary, Political and Appointments Department.	200	
" ...	Director of Land Records	250	
" ...	Settlement Officer	150	
" ...	Assistant Settlement Officer	100	
" ...	Superintendent (now Deputy Commissioner) of Chittagong Hill Tracts.	100	
" ...	Registrar, Co-operative Societies ...	150	

Province.	Appointment.	Monthly amount of Special Pay.	Explanations.
		Rs.	
Bengal ...	Deputy Registrar, Co-operative Societies ...	150	
,, ...	Commissioner of Excise and Salt ...	250	
,, ...	Sub-Divisional Officer, Alipur, Jalpaiguri ...	50	
United Provinces ...	Director of Agriculture	150	
,, ,, ...	Deputy Director of Land Records ...	150	
,, ,, ...	Registrar, Co-operative Societies ...	150	
,, ,, ...	Deputy Registrar, Co operative Societies ...	150	
,, ,, ...	Settlement Officers	150 each	
,, ,, ...	Assistant Settlement Officers	100 each	
,, ,, ...	Sub-Divisional Officer, Lalitpur ...	250	
,, ,, ...	Sub-Divisional Officer, Kasia	250	
,, ,, ...	Sub-Divisional Officer, Karwi	250	
,, ,, ...	Sub-Divisional Officer, Mahoba ...	100	
Punjab ...	Director of Agriculture	150	
,, ...	Director of Land Records	150	
,, ...	Registrar, Co-operative Societies ...	150	
,, ...	Joint Registrar, Co-operative Societies ...	100	
,, ...	Settlement Officers	150 each	
,, ...	Sub-Divisional Officer, Kasur	200–300	
,, ...	Sub-Divisional Officer, Kulu	100–200	
,, ...	1 Sub-Divisional Officer, Rajanpur ...	75	
,, ...	15 Sub-Divisional Officers	50 each	
Burma	Settlement Officers	150 each	
,, ...	Assistant Settlement Officers	100 each	
,, ...	Excise Commissioner	250	
,, ...	Registrars and Joint Registrars of Co-operative Societies.	150 each	
,, ...	Director of Agriculture	150	
,, ...	Assistant Secretary to Government ...	150	
,, ...	Assistant Secretary to Financial Commissioner.	150	
,, ...	Private Secretary to Lieutenant-Governor	350	
,, ...	Deputy Commissioner, Putao	125	
,, ...	Assistant Superintendent, Keugtung ...	100	
,, ...	Assistant Superintendents	50 each (on passing an examination in the Chin language).	
Bihar and Orissa ...	Commissioner of Excise and Salt ...	250	
,, ,, ...	Director of Land Records and Surveys ..	250	
,, ,, ...	Political Agent, Orissa Feudatory States ...	250	
,, ,, ...	Registrar of Co-operative Societies ...	150	
,, ,, ...	Deputy, Registrar of Co-operative Societies	150	
,, ,, ...	Assistant Registrars of Co-operative Societies.	100	
,, ,, ...	Settlement Officers	150	
,, ,, ...	Assistant Settlement Officers	100	
Central Provinces ...	Commissioner of Settlements	250	
,, ,, ...	Political Agent	250	
,, ,, ...	Commissioner of Excise	250	
,, ,, ...	Inspector-General of Registration ...	150	
,, ,, ...	Registrar, Co-operative Societies ...	150	
,, ,, ...	Personal Assistant to Commissioner of Excise.	100	
,, ,, ...	Deputy Registrar, Co-operative Societies ...	100	
,, ,, ...	Sub-Divisional Officers, Basim, Khamgaon, Ellichpur.	100 each	
Assam	Political Agent in Manipur	200	
,, ...	Director of Land Records and Agriculture...	150	
,, ...	Commissioner of Excise and Inspector-General of Registration.	150	
,, ...	Sub-Divisional Officer, Mokokchung ...	100	
,, ...	Sub-Divisional Officer, North Cachar ...	100	
Andaman and Nicobar Islands.	Deputy Commissioner	250	
Coorg	District Magistrate and First Assistant Commissioner.	50	

J. CRERAR,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," CALCUTTA, JULY 21, 1923.

No. 1137-C.S.R.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

Simla, the 6th July, 1923.

RESOLUTION.

With reference to Rule 1 of the rules published with the Resolution by the Government of India in the Finance Department, No. 1260-C.S.R., dated the 21st December 1921, regarding the extent to which leave taken under the Fundamental Rules should count for pension under the rules now in force for the calculation of pensions, it has been decided that in the case of a Government servant on leave on 1st January 1922 who, in the exercise of the option given in paragraph 5 of Government of India, Finance Department, letter No. 1079-C.S.R., dated the 26th October 1921, cancelled the unexpired portion of his leave and took the balance of leave under the Fundamental Rules, the period of leave which shall count as privilege leave in the calculation of pensions, proportionate pensions or additional pensions shall be that which is credited as privilege leave in the leave account made up to the 1st January 1922.

ORDERED that the Resolution be published in the Supplement to the *Gazette of India*.

A. C. McWATTERS,

Offg. Secretary to the Government of India.

580 PGG—872—3-8-23—SGPP Lahore

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The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 17, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, JULY 21, 1923.

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 17th July, 1923.

No. 1150-217-I.—In pursuance of the First Schedule to the Indian Extradition Act, 1903 (XV of 1903), and with reference to the Notification of the Government of India in the Foreign and Political Department, No. 749-217-I., dated the 8th May 1923, the Governor-General in Council is pleased to declare the following further units of the Indian State Forces to be units desertion from which is an extradition offence, namely :—

ALWAR.

His Highness' Body Guard.

Partap Paltan.

BAHAWALPUR.

His Highness the Nawab's Own Body Guard Cavalry.

BARIA.

The Subhak Risala.

The Ranjit Infantry.

BHAVNAGAR.

Bhavnagar Infantry.

BIKANER.

Bikaner Dungar Lancers.

DATIA.

The Gobind Infantry.

DHARANGADHRA.

Makhwan Infantry.

DHOLPUR.

The Narsingh Infantry.

FARIDKOT.

His Highness' Body Guard.
Faridkot State Infantry.

JIND.

Jind Body Guard.

JODHPUR.

Jodhpur Sardar Infantry.

KASHMIR.

Kashmir Body Guard Cavalry.
4th Kashmir Infantry (Training Battalion).

KHAIRPUR.

The Nawaz Body Guard Cavalry.
The Faiz Light Infantry.

LOHARU.

Loharu State Infantry.
Loharu State Camel Transport.

MALERKOTLA.

Malerkotla Lancers (Body Guard).
Malerkotla Infantry.

NAVANAGAR.

Navanagar State Infantry.

PALANPUR.

The Palanpur Body Guard.
The Iqbal Infantry.

PANNA.

Panna State Infantry ("A" Company).

PATIALA.

2nd Patiala Lancers.
3rd Patiala Infantry.
4th Patiala Infantry.

PORBANDAR.

Porbandar Infantry.

SACHIN.

Sachin Lancers.
Sachin Infantry.

SIRMUR.

His Highness' Body Guard.

SUKET.

Lakshman Cavalry.
Lakshman Infantry.

G. D. OGILVIE,
Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, AUGUST 11, 1923.

ARMY DEPARTMENT.

Simla, the 10th August 1923.

PART B.

CANTONMENTS—REGULATIONS.

No. 1124.—The following draft of certain rules, which it is proposed to make in exercise of the powers conferred by section 35 of the Cantonments (House-Accommodation) Act, 1923 (VI of 1923), is published as required by sub-section (*1*) of section 36 of the said Act for the information of all persons likely to be effected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 10th September 1923.

Any objection or suggestion which may be received from any person with respect to the draft before the aforesaid date will be considered by the Governor-General in Council.

Draft Rules.

Short title and extent.

1. (*1*) These rules may be called the Cantonments (House-Accommodation) Rules, 1923. VI of 1923.

(*2*) They extend to all cantonments or parts of cantonments in British India in which the Cantonments (House-Accommodation) Act, 1923, hereinafter referred to as "the Act," is for the time being operative.

Form of notices.

2. (*1*) Every notice prescribed by section 6 or section 7 of the Act shall be in the appropriate form set forth in Schedule A with such variations as the circumstances of each case may require.

(*2*) The lease referred to in section 7 of the Act shall, as nearly as may be, be executed in the form set forth in Schedule B.

Service of notices.

3. Any notice issued under the Act or these rules, if not served by post under section 34 of the Act, may be served by any person authorised by the Commanding Officer of the cantonment in this behalf:—

(*a*) by giving or tendering a duly signed copy thereof to the person to whom it is addressed; or

(*b*) where the notice cannot be served in the manner specified in clause (*a*), by causing it to be affixed to some conspicuous part of the house to which it relates, and by publishing it in one vernacular and one daily English newspaper published within the Command in which the cantonment is situate.

Petition of appeal.

4. Every petition of appeal under section 30 of the Act shall state the grounds of appeal.

Notice of meetings of Committee of Arbitration.

5. When a Committee of Arbitration, hereinafter referred to as "the Committee" has been duly constituted and each of the members thereof informed by the Commanding Officer of the cantonment of the fact by notice as provided in sub-section (*1*) of section 24 of the Act, the Chairman of the Committee shall, within a week from the receipt of such notice, fix the time and place of meeting and give notice of the same in writing to the other members of the Committee, and, through the Commanding Officer of the cantonment, to the parties concerned.

Content of notice.

6. The notice given to the parties under rule 5 shall state the purpose for which the Committee will assemble, and shall contain a direction to them to produce their evidence, oral and documentary, on the date fixed, or if they are unable to do so, to forward to the Chairman at least seven days prior to the day of the meeting, a list of the witnesses whom they desire to be summoned in their behalf, either to give evidence or to produce documents relating to the matter in dispute.

Chairman to move District Magistrate for issue of process.

7. On receipt of the lists of witnesses and documents, if any, the Chairman shall, if he considers the request made for the attendance of the witnesses named and the production of the documents called for to be reasonable, transmit the list to the District Magistrate for issue of the necessary processes under sub-section (2) of section 24 of

the Act. If he considers the attendance of any witness named or the production of any document called for to be unnecessary, he shall inform the party concerned, and the question whether such witness shall be summoned or such document called for shall be determined by the Committee at their first meeting.

Power of Chairman to call additional evidence.

8. It shall be open to the Chairman to call for the attendance of witnesses or the production of documents other than those named by the parties and to transmit a list of such witnesses and documents to the District Magistrate for issue of the necessary process.

Record of award.

9. (1) The Chairman shall record in the award the question for decision, the number of the Station Order convening the Committee, the names and status of the members thereof, and the decision arrived at. The award shall be signed by the Chairman and the members of the Committee, and shall be forwarded by the Chairman in duplicate to the Commanding Officer of the cantonment for disposal.

(2) The dissent of any member from any decision of the Committee of Arbitration with his reasons therefor, shall, if such member so requests, be attached by the Chairman to the Proceedings.

Power to correct mistake.

10. The Committee shall have power to correct any clerical mistake or error in its award which may have arisen from any accidental error or omission.

Power of entry and inspection.

11. The Committee, or any members thereof or any person specially authorised by them in this behalf may enter into or on any building or land, which is the subject of arbitration; and may make such inspection and may cause such expert examination to be made as they think fit.

Content of requisition for reference to Committee.

12. Every requisition for reference of any question to a Committee of Arbitration shall set forth the grounds upon which the applicant relies.

Replacement of member dying or becoming unable to act.

13. Where any member of the Committee dies or becomes incapable of acting, the officer or owner as the case may be, who nominated him shall nominate another person in his place within seven days from the date on which he is called upon to do so; and if he fails to do so, the District Magistrate shall forthwith appoint a member in his place.

Supply of copy of award.

14. The Chairman shall furnish a copy of the award to each of the parties free of charge and shall then forward the original to the Commanding Officer of the cantonment.

Limitations on power of entry, etc.

15. Any power of entry, inspection, measurement or survey conferred by the Act or these rules shall be exercised in accordance with the following provisions, namely:—

(a) such power shall be exercised only between sunrise and sunset;

(b) in the case of an occupied building or occupied land such power shall not, save with the consent of the occupier, be exercised unless twenty-four hours' notice in writing has been given to the said occupier;

(c) when in the exercise of such power a building used as a human dwelling is entered, due regard shall be paid to the social and religious sentiments of the occupiers; and no apartment in the actual occupancy of a woman shall be entered until she has been informed that she is at liberty to withdraw, and every reasonable facility has been afforded to her for withdrawing.

Penalty for obstruction.

16. Whoever obstructs any person, not being a public servant within the meaning of section 21 of the Indian Penal Code, in any entry, inspection, measurement or survey which such person is authorised to make under the Act or these rules shall be punished with fine which may extend to fifty rupees and in the case of a continuing offence with fine which in addition to such fine as aforesaid may extend to five rupees for every day after the first day during which such offence continues.

SCHEDULE A.

[*See Rule* 2 (*1*).]

FORM I.

Notice to owner under sub-section (1) of section 6 of the Cantonments (House-Accommodation) Act, 1923.

To

WHEREAS I,...... ...., Commanding Officer of the Cantonment of.. ..consider that the liability imposed by section 5 of the Cantonments (House-Accommodation) Act, 1923, should be enforced in respect of house No.......................................situated at............ ....within the said cantonment, of which house you are the owner :—

This is to require you to permit the said house to be inspected, measured and surveyed by........................ ....on the.................day of.................19 , at ....A. M./P. M.

(Signed.)

Commanding Officer of the Cantonment of...... ....

FORM II.

Notice to owner under clause (*a*)] and clause* (*c*)] of sub-section (1) of section 7 of the Cantonments (House-Accommodation) Act, 1923.

To

....

WHEREAS on the report of.............. ....I,......................., Commanding Officer of the Cantonment of... .. ..am satisfied that house No.................. situated at... .... within the said cantonment, of which you are the owner, is suitable for occupation by a military officer or a military mess, and whereas the previous sanction of the Officer Commanding the District has been obtained to the issue of this notice :—

Take notice that you are hereby required to execute on or before the .... day of......................19... ..... a lease of the said house to the Government for a period of ....years :—

And take notice that the amount of the annual rent proposed as reasonable for the said house, [calculated* on the assumption that you will carry out the repairs hereinafter required,] is Rs. .... and that unless within a period of fifteen days from the service of this notice you require the matter to be referred to a Committee of Arbitration you will be deemed to have accepted the said rent.

* To be omitted where the owner is not required to execute repairs under clause (c) of section 7 (1).

*[And take notice that you are hereby further required to execute on or before the...... day of......... ..19 .... at a total estimated cost of Rs.......... the repairs specified in the annexed list, being in my opinion necessary for the purpose of putting the house into a state of reasonable repair.

List of repairs to be executed.

Nature of repair Estimated Cost.]

(Signed.)

Commanding Officer of the Cantonment of...............

FORM III.

Notice to occupier under clause (b) of sub-section (1) of section 7 of the Cantonments (House-Accommodation) Act, 1923

To

....

WHEREAS on the report of..............I,.............., Commanding Officer of the Cantonment of..............am satisfied that house No........situated at.........within the said cantonment, of which you are the existing occupier, is suitable for occupation by a military officer or a military mess, und whereas the previous sanction of the Officer Commanding the District has been obtained to the issue of this notice.

Take notice that you are hereby required to vacate the said house on or before the........ day of.........19......

(Signed.)..........................

Commanding Officer of the Cantonment of..............

SCHEDULE......B.

[*See Rule* 2 (2).]

This indenture made the day of one thousand nine hundred and twenty *Between*

of

(hereinafter called the lessor which expression shall where the context so admits include his heirs, representatives and assigns) of the one part and *the Secretary of State for India in Council* (hereinafter called the lessee which expression shall include his successors in office and assigns) of the other part.

Whereas the lessor is the owner of the premises intended to be hereby demised *and whereas* the said Commanding Officer has by notice issued under sub-section (1) of section 7 of the Cantonments (House-Accommodation) Act, 1923 (hereinafter called the Act) required the lessee to execute a lease of the premises hereby demised.

Now this indenture witnesseth as follows:—

I. The lessor hereby lets and the lessee takes all that the dwelling house situate in

Road in
Street

Cantonment which premises contain by admeasurement or thereabouts and are delineated and coloured on the map or plan hereto annexed *together* with the out-buildings grounds, garden, trees, fences, hedges, ditches, wells, easements and appurtenances whatsoever to the said dwelling house and premises belonging or usually held or enjoyed therewith for a period of years from the day of at the rent of Rs. payable first of such payments being made on

II. The lessee hereby covenants with the lessor—

(1) That he will pay the rent hereby reserved at the times aforesaid.

(2) That he will yield up the said dwelling house on the expiration of this lease in a state of reasonable repair.

(3) That he will maintain the grounds and the garden (if any) appertaining to the said dwelling house in the condition in which they are at the date of these presents.

In witness whereof the Lessor and * by the order and direction of the Governor-General in Council acting in the premises for and on behalf of the Secretary of State have hereunto set their hands this day of 19 .

*Add designation.

Signed by the above named......................

....

in the presence of..................................

Signed by the said * by the order and direction of the Governor-General of India in Council acting in the premises for and on behalf of the Secretary of State in the presence of..................................

* Add designation.

E. BURDON,
Secretary to the Government of India.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 7th August, 1923.

No. M.-977.—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Governor General in Council is pleased to direct that the following further amendments shall be made in the Indian Explosives Rules, 1914, the same having been previously published as required by section 18 of the said Act, namely :—

In Schedule III to the said rules,—

(*a*) Column 5 of Form A and Column 4 of Form B shall be omitted;

(*b*) Column 6 in Form A and Column 5 in Form B shall be renumbered 5 and 4, respectively; and

(*c*) In Column 3 of Form A and Form B, before the words "Maximum quantity" the words "Description and" shall be inserted.

A. H. LEY,

Secretary to the Government of India.

656 PGG—372—16-8-23—SGPP Lahore.

Registered No. L. 884.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 31, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, AUGUST 18, 1923.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 14th August, 1923.

No. F.-213-23.—In exercise of the powers conferred by sections 72-A and 129-A of the Government of India Act, the Governor-General in Council, with the sanction of the Secretary of State in Council, is pleased to direct that the following amendment shall be made in the Punjab Electoral Rules published with the Home Department notification No. F.-213-VII, dated the 30th July 1923, namely :—

For the footnote appended to the entry "Denomination" in the Form of Nomination Paper included in Schedule III to the said rules, the following shall be substituted, namely :—

"Not to be entered in case of a special constituency other than a landholders constituency".

No. D.-4158.—*Corrigendum.*—The following corrections in the Government of India, Home Department notifications Nos. F.-213-I and F.-213-II, dated the 30th July 1923, are published for general information :—

1. *Council of State Electoral Rules.*—

(*i*) in paragraph 4 of Part I of Schedule II *for* the words "the senior male member of the family who is not disqualified, or any member not disqualified who is

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nominated in writing by a majority of the adult male members " *read* the words " the manager, unless any other member is nominated by the majority of the adult male members of the family ".

(*ii*) in clause (*a*) of paragraph 4 of Part III of Schedule II—

(*a*) in sub-clause (*i*), *for* the words " in the Burdwan Division or Presidency Division " *read* the words " in the area comprising the Burdwan and Presidency Divisions ", and

(*b*) in sub-clause (*ii*) *for* the words " in the Dacca, the Rajshahi or the Chittagong Division " *read* the words " in the area comprising the Dacca, Rajshahi and Chittagong Divisions ".

(*iii*) in clause (*1*) of paragraph 2 of Part IV of Schedule II omit the words " by a member so authorized or ".

2. *Legislative Assembly Electoral Rules.*—

(*i*) in clause (*1*) of paragraph 3 of Part I of Schedule II *for* the words " either a member so authorized or the manager thereof " *read* the words " the manager, unless any other member is nominated by the majority of the adult male members of the family ".

(*ii*) in paragraph 7 of Part III of Schedule II—

(*a*) in clause (*a*), *for* the words " in the Burdwan Division or the Presidency Division " *read* the words " in the area comprising the Burdwan and Presidency Divisions ", and

(*b*) in clause (*b*), *for* the words " in the Dacca or the Rajshahi or the Chittagong Division " *read* the words " in the area comprising the Dacca, Rajshahi and Chittagong Divisions ".

(*iii*) in clause (*1*) of paragraph 2 of Part IV of Schedule II omit the words " or the member nominated in that behalf by a majority of the family ".

C. W. GWYNNE,

Offg. Joint Secretary to the Government of India.

FINANCE DEPARTMENT.

RESOLUTION.

Simla, the 13th August, 1923.

No. 1365-C.S.R.—With reference to the Finance Department Resolution No. 1276-C.S.R., dated the 27th December 1921, as subsequently amended, regarding additional pensions to military officers who have held certain high civil posts, the Government of India, with the approval of His Majesty's Secretary of State for India, have decided that an officer holding substantively a qualifying post in Government service will be allowed to count service in an appointment of corresponding rank and responsibility in foreign service as qualifying for an additional pension under the above Resolution.

ORDERED that the Resolution be published in the *Gazette of India.*

RESOLUTION.

Simla, the 18th August, 1923.

No. 1455-C.S.R.—The Secretary of State for India in Council has been pleased to approve the adoption of domicile as the sole criterion to govern admission to the special leave rules in the Fundamental Rules and the European Services Leave Rules in the Civil Service Regulations. The amendments which he has accordingly been pleased to direct should be made in the Fundamental Rules are published in the annexure to this Resolution. The corresponding amendments to the Civil Service Regulations will be issued in due course.

ORDERED that the Resolution be published in the *Gazette of India.*

ANNEXURE.

RESOLUTION.

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State in Council, with the concurrence of the majority of

votes at a meeting of the Council held this 24th day of July 1923, has been pleased to direct that the following amendments shall be made in the Fundamental Rules, namely :—

1. For Rule 75 of the said rules the following rules shall be substituted, namely :—

"75.—(1) All Government servants who are not hereinafter declared to be subject to the special leave rules shall be subject to the ordinary leave rules.

(2) The following Government servants shall be subject to the special leave rules namely :—

(a) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia :

Provided that no such Government servant shall be entitled to the benefits of the special leave rules who, prior to such appointment, has, for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege, claimed or been deemed to be a native of India ;

(b) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, had been admitted to the benefits of the European services leave rules under the Civil Service Regulations, or who between the 1st January 1922 and the 24th July 1923, held a post which would have entitled him to such admission had he been subject to the Civil Service Regulations ; and

(c) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, held substantively an appointment in a department in which the attainment of a certain rank or a certain rate of pay entitled the officer to admission to the benefits of the European services leave rules under the Civil Service Regulations :

Provided that such a Government servant shall only be entitled to the benefits of the special leave rules when he attains that rank or rate of pay :

Provided further that the concession allowed by clause (c) of this rule is not admissible to a Government servant who attains such rank or rate of pay by reason of being promoted by selection from a subordinate service or post after the 24th July 1923.

75-A. For the purpose of Rule 2 of Rule 75 the domicile of a person shall be determined in accordance with the provisions set out in the Schedule to these rules :

Provided that a person who was born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months shall be deemed to have his domicile in Asia.

75-B. No Government servant who, after his appointment to a service or post acquires a new domicile, shall thereby lose his right to, or become entitled to admission to, the benefits of the special leave rules.

75-C. If any question arises as to the domicile of any Government servant at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by him, of the Governor-General in Council in the case of persons appointed by him, or of the local Government in the case of persons appointed by them, shall be final."

2. After rule 130 of the said rules the following Schedule shall be inserted, namely:—

THE SCHEDULE.

Provisions for the Determination of Domicile.

1. A person can only have one domicile.

2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.

5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

Explanation I.—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling.

Explanation 2.—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin:

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband:

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person.

A. C. McWATTERS,

Offg. Secretary to the Government of India.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

MEDICAL.

Simla, the 13th August, 1923.

No. 532.—Captain Amir Chand, M.B., I.M.S., Professor of Materia Medica, King Edward Medical College, Lahore, is granted study leave for 9 months, with effect from the 1st October 1923, combined with leave on half average pay for 3 months in continuation of the current College vacation.

No. 533.—Major D. H. Rai, M.C., M.D., I.M.S., is appointed to act as Professor of Materia Medica, King Edward Medical College, Lahore, *vice* Captain Amir Chand, M.B., I.M.S., granted leave.

M. S. D. BUTLER,

Secretary to the Government of India.

700 PGG 872—31-8-23—SGPP Lahore.

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PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, AUGUST 25, 1923.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Simla, the 23rd August, 1923.

No. F.-210-23.—With reference to paragraph 1 (3) of the Home Department resolution No. 286 (Ests.), dated the 13th February 1920, and to rule 1 (*b*) of the rules issued with the Finance Department resolution No. 1533-Ex., dated the 5th July 1923, the Secretary of State for India in Council has decided that overseas pay will not be granted to Indian candidates for the Indian Civil Service successful in the examination for that service held in London after 1924.

U. C. STUART,

for Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS AND FINANCE.

PUBLIC DEBT.

Simla, the 21st August, 1923.

No. 675-A.—The following draft of rules which it is proposed to make in exercise of the powers conferred by section 24 of the Indian Securities Act, 1920 (X of 1920), is

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published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft rules will be taken into consideration on or after the 25th September 1923.

Any objection or suggestion which may be received in respect of the draft rules before the date specified will be considered by the Governor-General in Council.

Draft Rules.

Short title and application.

1. (1) These rules may be called the Punjab Government Securities Rules, 1923.

(2) They shall apply only in the case of securities issued by the Governor in Council of the Punjab.

Definitions.

2. In these rules, unless there is anything repugnant in the subjct or context—

X of 1920.

(a) "the Act" means the Indian Securities Act, 1920;

(b) "District Magistrate" has the same meaning as in the explanation to sub-section (2) of section 13 of the Act;

(c) "the Financial Secretary" means the Secretary to the Government of the Punjab in the Finance Department;

(d) "form" means a form as set out in the Schedule to these rules;

(e) "proper demand" means a demand made in writing to the Financial Secretary in accordance with the provisions of these rules;

(f) "the Bank" means the Imperial Bank of India; and

(g) "treasury" means any treasury located in the Punjab and includes a sub-treasury.

Rules relating to promissory notes.

Payment of Interest.

3. Interest on a Government promissory note shall be paid at any treasury for payment of interest at which the note has been enfaced, but only on the presentation of the note itself and on signature by the payee of a receipt in Form I.

When receipt for renewal may be required.

4. The holder of any such note may be required to receipt the same for renewal in any of the following cases, and, where such requisition has been made, payment of any further interest on such note may be refused until the note is receipted for renewal and actually renewed, namely :—

(a) if only sufficient room remains on the back of the note for one further indorsement or if any word is written upon the note across any existing indorsement or indorsements;

(b) if the note is torn or in any way damaged or crowded with writing or unfit, in the opinion of the officer before whom it is produced for payment of interest, for receiving indorsement;

(c) if any indorsement is not clear and distinct or does not indicate the payee or payees, as the case may be, by name or, in the case of office holders, by office, or is made otherwise than in one of the indorsement cages on the back of the note;

(d) if the note, having been enfaced three times for payment of interest, is presented for re-enfacement; and

(e) if, in the opinion of the Bank, the title of the person presenting the note for payment of interest is irregular or not fully proved.

Reports to the Bank of loss or destruction of promissory note.

5. (1) Every application for the issue of a duplicate note in place of a Government promissory note which is alleged to have been lost or destroyed, either wholly or in part, shall be addressed to the local head office of the Bank at Calcutta and shall be accompanied by a statement of the following particulars, namely :—

(a) particulars of the note according to the following form :—

promissory note for Rs. , No. of the

Punjab per cent. loan of

(*b*) the last half-year for which interest has been paid;

(*c*) the person to whom such interest was paid;

(*d*) the person in whose name the note was issued (if known);

(*e*) the place for payment of interest at which the note was for the time being enfaced;

(*f*) the circumstances attending the loss or destruction; and

(*g*) whether the loss was reported to the police.

(*2*) Such letter shall be accompanied by—

(*a*) the Post Office registration receipt for the letter containing the note, if the same was lost in transmission by registered post;

(*b*) a copy of the police report, if the loss was reported to the police;

(*c*) a letter signed by the officer of the treasury, where interest was last paid, certifying the last payment of interest made on the note, and to whom it was made;

(*d*) if the applicant is not the last registered holder, an affidavit sworn before a Magistrate testifying that the applicant was the last legal holder of the promissory note, and all documentary evidence necessary to trace back the title to the last registered holder; and

(*e*) any portions or fragments which may remain of the lost or destroyed note.

(*3*) A duplicate of the letter to the local head office of the Bank at Calcutta, but not of its enclosures, shall also be sent to the treasury where interest is payable.

Notification in Gazette.

6. The loss or destruction of a Government promissory note or portion of a Government promissory note shall be further notified by the applicant in three successive issues of the *Punjab Government Gazette* and of the local official Gazette, if any, of the place where the loss or destruction occurred. Such notification shall be in the form following or as nearly in such form as circumstances permit:—

"*Lost*" (*or* "*Destroyed*" *as the case may be*).—The Government promissory note

No. of the per cent.

Punjab Government loan of

for Rs. originally standing in the name of

and last indorsed to

the proprietor, by whom it was never indorsed to any other person, having been $\frac{\text{lost}}{\text{destroyed}}$, notice is hereby given that payment of the above note and the interest thereupon has been stopped at the local head office of the Imperial Bank of India at Calcutta and that application is about to be made for the issue of a duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the above-mentioned security.

*Name of person notifying*________________

Residence________________

Issue of duplicate note and taking of indemnity.

7. (*1*) On the expiry of six months from the date of the last notification prescribed in rule 6, the Financial Secretary shall, if only a portion of the note has been lost or destroyed, and if he is satisfied of its loss or destruction and of the justice of the claim of the applicant, and if a portion of the note sufficient for the identification of the note has been produced, cause the particulars of the note to be included in a list such as is referred to in sub-section (*3*) of section 10 of the Act, and shall instruct the local head office of the Bank at Calcutta to issue to the applicant, on the execution of an indemnity bond in the form and for the amount hereinafter provided, a duplicate note in place of that of which a portion has been so lost or destroyed.

(*2*) If no portion or no sufficient portion of the note so lost or destroyed has been produced, the Financial Secretary shall, on the expiry of two years from the date of the last notification prescribed in rule 6, if *prima facie* grounds exist for believing that the note has been lost or destroyed and that the claim of the applicant is just, cause the particulars of the note so lost or destroyed to be included in a list such as is referred to in sub-section (*3*) of section 10 of the Act, and shall pass a provisional order requiring the local head office of the Bank at Calcutta—

(*a*) to pay to the applicant, on the execution of an indemnity bond such as is hereinafter mentioned, the interest in respect of the note so lost or destroyed pending the issue of a duplicate note, and

(b) to issue to the applicant, unless reasons to the contrary appear (in which case the matter shall be referred back to the Financial Secretary on the expiry of six years from the date of publication, as hereinafter provided, of the list in which the lost or destroyed note is first included and on the execution of an indemnity bond such as is hereinafter mentioned, a duplicate note in place of that so lost or destroyed :

Provided that, if the date on which the note is due for repayment falls earlier than the date on which the period of six years prescribed in this rule expires, the Financial Secretary shall instruct the local head office of the Bank at Calcutta to invest the principal amount due on the note in its Savings Bank within six weeks of the date of his order under this sub-clause or of the date of repayment, whichever is later, and to repay the principal amount, together with any interest which may have accrued thereon in the Savings Bank, to the applicant at the time when a duplicate note would otherwise have been issued.

(3) In making an order under this rule, the Financial Secretary may direct that the indemnity bond be executed by the applicant alone or by the applicant and two sureties, as the said Secretary may think fit.

Alteration of order, etc.

8. A provisional order passed under sub-rule (2) of rule 7 shall, on the expiry of the six years referred to therein, become final :

Provided that the Financial Secretary may, at any time prior to the issue of a duplicate note, if he finds sufficient reasons, alter or cancel any such order, and may also direct that the interval before the issue of a duplicate note shall be extended by such period, not exceeding six years, as he may think fit.

Indemnity bonds.

9. Indemnity bonds shall—

(a) when taken on the issue of a duplicate note or notes, ordinarily be taken as nearly as may be in Form II and be for twice the amount of such note or notes, and

(b) when taken on the issue of orders for payment of interest, ordinarily be taken as nearly as may be in Form III and be for twice the amount of the interest involved, that is to say, twice the aggregate amount of all back interest accrued due on the note *plus* twice the amount of all interest to accrue due thereon during the period which will have to elapse before the issue of a duplicate note can be made.

Publication of list.

10. (1) The list referred to in rule 7 shall be published half-yearly in the *Punjab Government Gazette* in the months of January and July, or as soon afterwards as may be convenient.

(2) All notes in respect of which an order has been passed under that rule shall be included in the first list published next after the passing of such order and in every succeeding list until the expiration of six years from the date of first publication.

(3) The list shall contain the following particulars regarding each note included therein, namely, the name of the loan, the number of the note, its value, the name of the person to whom it was issued, the date from which it bears interest, the name of the applicant for a duplicate, the number and date of the order passed by the Financial Secretary for payment of interest or issue of a duplicate and the date of publication of the list in which the note was first included.

Form of receipt for renewal, consolidation, etc.

11. Subject to any general or special instructions of the Financial Secretary the local head office of the Bank at Calcutta may, on the application of the holder, renew, sub-divide or consolidate a Government promissory note or notes, provided that the note or notes has or have been receipted in Form IV, V, or VI, as the case may be.

Proviso for renewal of promissory notes held by Managing Member of Hindu joint family subject to Mitakshara Law.

12. The certificate required under the proviso to section 12 of the Act shall be a certificate signed by the District Magistrate after such inquiry (if any) as may, in his opinion, be necessary to determine the matters in question referred to therein.

Prescribed officer in case of dispute as to title.

13. (1) The Financial Secretary shall exercise the powers and perform the duties referred to in section 13 of the Act.

(2) Any declaration made under clause (c) of sub-section (1) of that section shall be published, as soon as possible after the date on which the declaration is made, in three successive issues of the *Punjab Government Gazette*.

Receipt required on discharge of a promissory note.

14. When a promissory note is presented for discharge a receipt shall be taken on the note itself.

General.

Renewal, etc. Fees.

15. The following fees shall be paid in respect of applications under sections 10, 12 and 15 of the Act, namely :—

For each renewed, converted, consolidated, sub-divided or duplicate security, four annas per cent., if the new security does not exceed in amount rupees four hundred and one rupee if the new security exceeds that sum :

Provided that no fee shall be payable in respect of the renewal of a note which bears no indorsement other than an indorsement by the Bank, the Accountant-General, Punjab, his Deputy or Assistant, and the renewal indorsement, when such renewal is required only on account of there being no further space on the note in which to record payment of interest.

Indemnity Bonds.

16. An indemnity bond taken on the issue of a renewed, converted, consolidated or sub-divided security shall be as nearly as may be in Form VII and shall be for twice the amount of the security or securities, as the case may be, with two sureties.

Special procedure in certain cases.

Government securities held by minor or lunatic.

17. (*1*) When a Government security stands in the name of, or is held by, a minor or a lunatic who is incapable of managing his affairs, interest or the capital sum, payable on the maturity of the loan, may, where, in the case of interest payable the nominal value of the security, or in other cases the sum payable does not exceed five thousand rupees, be paid to the father or, if he be dead, to the mother of such person, on the officer making the payment being satisfied as to the identity of the father or mother, as the case may be.

(*2*) If such payment be made at a place other than that at which such minor or lunatic and his father or mother ordinarily reside, payment may be made on production of a certificate of identity signed by any Magistrate.

(*3*) When an applicant for payment is neither the father nor the mother of the minor or lunatic, and when the value of the securities standing in the name of such person does not exceed five thousand rupees, payment may be made on production of a certificate by the District Magistrate to the effect that the applicant is the actual guardian of such person.

(*4*) If the value of the securities standing in the name of a minor or lunatic exceeds five thousand rupees, payment shall not be made unless and until the applicant for payment shall have produced evidence to the satisfaction of the officer making payment that he is the legal guardian of such person.

Small holdings of deceased persons.

18. The Financial Secretary may determine the person entitled to the security or securities of a deceased person, aggregating not more than five thousand rupees and may, in general, exercise the functions and perform the duties referred to in section 19 of the Act.

When maker of a document is unable to write.

19. (*1*) If any person, by whom any document relating to a Government security is to be executed or by whom an indorsement is to be made on a promissory note, satisfies a Magistrate that he is for any reason unable to write and that the effect of the document or indorsement is fully understood by him, and that he is the person whom he represents himself to be, such Magistrate may, at the request of that person and subject to the provisions of this rule, execute the document or sign the indorsement on his behalf.

(*2*) Where any such document is to be executed or indorsement signed by a Magistrate under this rule on behalf of any person, the Magistrate shall execute the document or sign the indorsement in the presence of that person and shall enter below his own signature a certificate to the effect that the document was executed or the indorsement signed, as the case may be, at the request of that person, after having been previously read over to the latter, and that he is satisfied that the effect of the document or indorsement is fully understood by such person.

Procedure for obtaining information.

Application for information.

20. (*1*) Any person requiring information regarding Government security in the custody of the local head office of the Bank at Calcutta may apply to that office in writing, stating the form in which the information is required.

(*2*) Every such application shall specify with precision the security to which it relates and shall contain a statement of the purpose for which the information is required and of the interest of the applicant in the security.

21. The following provisions shall be observed in dealing with applications under rule 20 :—

Disposal of applications.

(1) If the application relates to a promissory note which has been renewed, converted, consolidated or sub-divided or asks for inspection from any register or book kept or maintained at the local head office of the Bank at Calcutta the application shall be refused.

(2) If the application asks for inspection of a promissory note which has been cancelled on payment of the amount due in respect thereof, it shall be referred to, and disposed of under the orders of, the Financial Secretary.

(3) In any other case the local head office of the Bank at Calcutta may, subject to the provisions hereinafter contained, grant a certified copy of any indorsement on a promissory note or of any entry in any register or book maintained by that office relating to any security on being satisfied that the promissory note in question has stood in the name of the applicant or of a person in whom the applicant has a representative interest, and further that the applicant has a *bona fide* interest in the promissory note in respect of which the application is made :

Provided that if the promissory note has been cancelled on payment of the amount due in respect thereof, no copy of any indorsement thereon shall be granted which purports to give a title subsequent to the termination of the applicant's interest in the promissory note.

(4) The local head office of the Bank at Calcutta may, under a special order of the Financial Secretary supply any information regarding a promissory note referred to in clause (3) which is directed to be supplied by such an order.

22. (1) Every applicant shall, before any information is supplied to him under rule 20 or rule 21 pay a fee of one rupee for each promissory note in respect of which any information is supplied, and shall execute a bond of indemnity as nearly as may be in Form VIII for twice the value of the note or notes involved and the interest payable thereon since the date of issue.

Searching Fees.

(2) A fee of one rupee shall be paid for each certified copy granted under rule 21.

THE SCHEDULE.

[*See rule 2 (d).*]

FORM I.

(*See rule 3.*)

Receipt for interest on Punjab Government Promissory Notes.

Per cent. loan of ______

Received from the Government Treasury at ______ interest due on Promissory Notes as follows :—

No. of Note. N. B.—If the number is in a fractional form, the upper No. only need be quoted.	Amount of each Note.	Amount of half-yearly interest.			For how many half-years interest is due.	Total amount due.			Date up to which interest is due.	Name of holder of Notes.
	Rs.	Rs.	A.	P.		Rs.	A.	P.		
					Total ...					
					Deduct—Income-tax at pies.					
					Net amount payable ..					

Total received (in words) ______ *Signature* ______

(State whether holder or holder's attorney or administrator) ______

FORM II.

[*See rule* 9 (*a*).

KNOW ALL MEN by these presents that we

(Principal and two sureties with address of each.)

are held and firmly bound unto the Secretary of State for India in Council in the sum of Rupees of lawful money of British India to be paid to the said Secretary of State in Council, his certain attorney successors or assigns for which payment well and truly to be made we bind ourselves our heirs executors administrators representatives and assigns jointly and every two of us bind ourselves our heirs executors administrators representatives and assigns jointly and each of us binds himself his heirs executors administrators representatives and assigns severally firmly by these presents sealed with our respective seals dated this day of in the Christian year one thousand nine hundred and . And each of us the said

doth hereby for himself his heirs executors administrators representatives and assigns covenant with the said Secretary of State in Council his successors and assigns that if any suit shall be brought touching the subject-matter of this obligation or the condition hereunder written in any Court subject to the superintendence of the High Court of Judicature at Lahore in its ordinary Original Civil Jurisdiction the same may at the instance of the said Secretary of State in Council be removed into tried and determined by the said High Court in its Extraordinary Original Civil Jurisdiction. (Principal and sureties.)

WHEREAS the above bounden ha caused to be represented to the said Secretary of State in Council that was lately and until the loss thereof hereinafter mentioned the legal and rightful holder and still is the owner of and absolutely entitled to certain Promissory Notes of the Government of the Punjab the number amount and other particulars of which are set forth in the schedule hereto and that the said Government Promissory Note sometime since (Principal.)

AND WHEREAS the said

having applied to the Financial Secretary to the Government of the Punjab for new note in lieu of the said Note so alleged to have been as aforesaid the said Financial Secretary for and on behalf of the said Secretary of State in Council has on the aforesaid representation of the said (Principal.) (Principal.)

acceded to the said application on condition of the said

and two sufficient sureties executing such bond as above written and the

said

have accordingly as such sureties agreed to execute the said Bond with such condition as hereunder is written. Now the condition of the above (Sureties.)

written Bond is such that if the above bounden (Principal and two sureties.)

their heirs executors administrators representatives and assigns do and shall from time to time if and when the said Note so alleged to have been

as aforesaid shall happen to be found or come to his or their or any or either of their possession or power or to the possession or power of any other person in trust for him or them or any of them immediately deliver or cause to be delivered the same to the said Financial Secretary for the time being or the person for the time being exercising his functions on behalf of the said Secretary of State in Council to be cancelled destroyed or otherwise dealt with as may seem meet and further in case the original of the said Promissory Note shall have already come or shall hereafter come to the hands of any person or body corporate whomsoever under such circumstances as may entitle the holder thereof to demand payment of the same or the interest thereof from the said Secretary of State in Council his successors or assigns or in case the said Promissory Note or the principal sum therein mentioned or any interest in respect thereof shall at any time hereafter have to be paid or satisfied or received or taken in payment by the said Secretary of State in Council his successors or assigns or any officer or person on his behalf then and in either of such cases if the said (Principal and two sureties.)

their heirs executors administrators representatives and assigns shall and do from time to time repay to the said Secretary of State in Council his successors or assigns the amount of the said Promissory Note which shall have come or shall come to the hands of such person or body corporate as aforesaid or which shall hereafter have to be paid or satisfied or received or taken in payment as aforesaid together with all interest which the Government of the Punjab shall have paid thereon and also all costs as between attorney and client and all charges losses damages and expenses that shall or may have been incurred by or occasioned to the said Secretary

of State in Council his successors or assigns or any of the Officers Servants or Agents of the Government by reason of or consequent upon the issuing of the new Note aforesaid AND FURTHER if the said

(Principal and two sureties.) their heirs executors administrators representatives and assigns shall and do from time to time and at all times hereafter well and sufficiently save defend keep harmless and indemnified the said Secretary of State in Council his successors assigns and the Officers Servants or Agents of the Government and each and every of them of from and against all and all manner of action and actions suit and suits and other legal proceedings costs charges damages and expenses whatsoever which shall or may at any time or times hereafter be brought commenced or sued by any person or body corporate whomsoever or whatsoever against or happen or be occasioned to the said Secretary of State in Council his successors or assigns or any of the Officers Servants or Agents of the Government for or on account or in respect or by reason of the said Promissory Note so represented to have been as aforesaid or the principal or interest thereby secured or any part thereof or by reason or in respect of or consequent upon the issuing of a new Note as aforesaid or of any Note or Notes which may hereafter by substitution, sub-division, renewal or otherwise represent the said Promissory Note or the new Note so issued as aforesaid then the above written Bond shall be void and of no effect otherwise the same shall be and remain in full force and virtue.

(Principal.) Signed sealed and delivered by

In presence of

Witness

Occupation and address.

Signed sealed and delivered by

(First surety.) In presence of

Witness

Occupation and address.

Signed sealed and delivered by

(Second surety.) In presence of

Witness

Occupation and address.

Principal identified by me.

Occupation and adress.

First surety identified by me.

Occupation and address.

Second surety identified by me.

Occupation and address.

Bond explained to above principal and sureties by me.

Occupation and address.

THE SCHEDULE REFERRED TO IN THE FOREGOING BOND.

FORM III.

[*See rule 9 (b).*]

(Principal and two sureties with address of each.) KNOW ALL MEN by these presents that we are held and firmly bound unto the Secretary of State for India in Council in the sum of Rupees of lawful money of British India to be paid to the said Secretary of State in Council his certain attorney successors or assigns for which payment well and truly to be made we bind ourselves our heirs executors administrators representatives and assigns jointly and every two of us bind ourselves our heirs executors administrators representatives and assigns jointly and each of us binds himself his heirs executors administrators representatives and assigns severally firmly by these presents sealed with our respective seals dated this day of one thousand nine hundred and in the Christian year

(Principal and two sureties) And each of us the said doth hereby for himself his heirs executors administrators representatives and assigns covenant with the said Secretary of State in Council his successors and assigns that if any suit shall be brought touching the subject matter of this obligation or the condition hereunder written in any Court subject to the superintendence of the High Court of Judicature at Lahore other than the said High Court in its Ordinary Original Civil Jurisdiction the same may at the instance of the said Secretary of State in Council be removed into tried and determined by the said High Court in its Extraordinary Original Civil Jurisdiction.

WHEREAS the above bounden
ha caused to be representated to the said Secretary of State in Council (Principal.)
that was lately and until the loss thereof hereinafter mentioned the legal and rightful holder and still is the owner of and absolutely entitled to certain Promissory Note of the Government of the Punjab the number, amount and other particulars of which are set forth in the schedule hereto and that the said Government Promissory Note
some time since

AND WHEREAS the said ha (Principal.)
applied to the Financial Secretary to the Government of the Punjab to continue to pay interest to upon the said Note
so alleged to have been as aforesaid from the date on which interest appears from the books of the local head office of the Bank at Calcutta to have been last paid thereon up to the end of the half-year preceding the date fixed for the issue to the said
of a duplicate of such Note and the said Financial (Principal.)
Secretary for and on behalf of the said Secretary of State in Council has on the aforesaid representation of the said
acceded to the said application for payment of interest as (Principal.)
aforesaid on condition of the said and two sufficient sureties executing such Bond as above written and the said (Principal.)
have accordingly as such sureties agreed to execute the said Bond with such condition as (Sureties.)
hereunder is written

AND WHEREAS on the further application of the said the said Financial (Principal.)
Secretary has ordered that the said note so alleged to have been as aforesaid shall be included in the next half-yearly list published pursuant to Rule 10 of the rules relating to securities of the Punjab Government made by the Government of India under section 24 of the Indian Securities Act, 1920, of securities lost or destroyed in respect of which an order has been made for payment of interest pending the issue of such duplicate security as next hereinafter mentioned and that six years after the publication of the list in which the said note is first mentioned if no reason to the contrary (Principal.)
appear a duplicate of the said Note shall be issued to the said

NOW THE CONDITION of the above written Bond is such that if the above (Principal and two sureties.)
bounden their heirs executors

administrators representatives and assigns do and shall from time to time if and when the said Note so alleged to have been as aforesaid shall happen to be found or come to their or any or either of their possession or power or to the possession or power of any other person in trust for them or any of them immediately deliver or cause to be delivered the same to the said Financial Secretary for the time being or the person for the time being exercising his functions on behalf of the said Secretary of State in Council in order that a memorandum of all payments of interests which may have beem made as aforesaid may be duly endorsed thereon. *And further* in case the original of the said Note shall have already come or shall hereafter come to the hands of any person or body corporate whomsoever under such circumstances as may entitle the holder thereof to demand payment of the interest thereof from the said Secretary of State in Council his successor or assigns or in case any interest in respect thereof shall at any time hereafter have to be paid or satisfied or received or taken in payment by the said Secretary of State in Council his successors or assigns or any officer or person on his behalf then and in either of such cases if the said

their heirs executors administrators (Principal and two sureties.)
representatives and assigns shall and do from time to time repay to the said Secretary of State in Council his successors or assigns the amount of all interest which shall hereafter have been paid or satisfied or received or taken in payment as aforesaid and also all costs as between attorney and client and all charges losses damages and expenses that shall or may have been incurred by or occasioned to the said Secretary of State in Council his successors or assigns or any of the Officers Servants or Agents of the Government by reason of or consequent upon the said Financial Secretary continuing to pay interest upon the said Note to the said (Principal.)
as aforesaid AND FURTHER if the said
their heirs executors administrators representatives and assigns shall and do from time to time and at all times hereafter well and sufficiently save defend keep harmless and indemnified (Principal and two sureties.)
the said Secretary of State in Council his successors and assigns and the Officers Servants or Agents of the Government and each and every of them of from and against all and all manner of action and actions suit and suits and other legal proceedings costs charges damages and expenses whatsoever which shall or may at any time or times hereafter be brought commenced or sued by any person or body corporate whomsoever and whatsoever against or happen or be occasioned to the said Secretary of State in Council his successors or assigns or any of the Officers Servants or Agents of the Government for or on account or in respect or by reason of the said Note so represented to have been as aforesaid or

(Principal.) the interest thereby secured or any part thereof or by reason or in respect of or consequent upon the said Financial Secretary continuing to pay interest to the said upon the said note as aforesaid then the above written Bond shall be void and of no effect otherwise the same shall be and remain in full force and virtue.

(Principal.) Signed sealed and delivered by

In presence of

WITNESS.

(1st Surety.) *Occupation and address.*

Signed sealed and delivered by

In presence of

WITNESS.

(2nd Surety.) *Occupation and address.*

Signed sealed and delivered by

In presence of

WITNESS.

Occupation and address.

Principal identified by me.

Occupation and address.

1st surety identified by me.

Occupation and address.

2nd surety identified by me.

Occupation and address.

Bond explained to the above principal and sureties by me.

Occupation and address.

THE SCHEDULE REFERRED TO IN THE FOREGOING BOND.

FORM IV.

[*See rule 11.*]

Form of Indorsement for renewal of a Promissory Note.

Received in lieu hereof a renewed note payable to (*name of holder*), with interest payable at Treasury.

Signature of the ________ holder ________ duly authorised representative of (*name of holder*).

FORM V.

[*See rule 11.*]

Form of Indorsement for sub-division of a Promissory Note.

Received in lieu hereof ________ notes for Rs. ________ respectively, payable to (*name of holder*), with interest payable at ________ Treasury.

Signature of the ________ holder ________ duly authorised representative of (*name of holder*).

FORM VI.

[*See rule 11.*]

Form of Indorsement for consolidation of Promissory Note.

Received in lieu hereof a new note payable to (*name of holder*) for Rs. ________ by consolidation with Promissory Note or Notes Nos. ________ (*mentioning the numbers and amounts of the other notes desired to be consolidated with it and specifying the loan*) with interest payable at ________ Treasury.

Signature of the ________ holder
duly authorised representative of (*name of holder*).

FORM VII.

[*See rule 16.*]

KNOW ALL MEN by these presents that we

are held and firmly bound to the Imperial Bank of India, in the sum of Rupees of lawful money current in the Punjab to be paid to the said Imperial Bank of India, or to the said Bank's certain attorneys successors or assigns for which payment to be well and truly made we bind ourselves and each of us our and each of our Executors Administrators and personal representatives and every of them jointly and severally by these presents sealed with our respective seals. Dated this day of 1 .

The obligor and his sureties are the parties.

WHEREAS a certain Promissory Note or security of the Government of Punjab,
No. of the per cent. Loan of
for Rs. dated the day of 1
was drawn for and on behalf of the then Secretary of State in Council for India by the order and under the authority of the then Governor of the Punjab in Council in favour of one

AND WHEREAS the said

has applied to the said Imperial Bank of India, to renew the said Promissory Note or security in favour and in proper name which the said Imperial Bank of India have consented and agreed to do on the said with two good and sufficient sureties entering into and executing the above written Bond or obligation subject nevertheless to the condition hereunder written AND WHEREAS the above bounden

Here recite facts and defects in indorsements.

at the request of the said
have agreed to become sureties for and to join with in executing the above written Bond or obligation. NOW THE CONDITION of the above written Bond or obligation is such that if the above bounden
and each of them their and each of their Executors, Administrators or legal personal representatives or any or either of them shall from time to time and at all times hereafter well and effectually save, defend, keep harmless and indemnified the Secretary of State for India and the said Imperial Bank of India, and their lands, tenements, goods, chattels and effects of from and against the issue of the renewed note or security in lieu and in place of the said Promissory Notes or security of the Government of the Punjab
No. of the per cent. loan of
for Rupees dated the day of 1 , and
standing in the name of

and also from the payment of all interest which has accrued due thereon and shall form time to time hereafter accrue due thereon and also of from and against all and all manner of actions, suits, claims, and demands whatsoever which may be instituted, commenced or prosecuted or made upon or against the Secretary of State for India and the said Imperial Bank of India, by any person or persons whomsoever being or claiming to be entitled thereto or for or on account or under colour of the said Promissory Note or security or of such renewed note or security as aforesaid or the interest now due and from time to time hereafter accruing due thereon respectively and of from and against all loss costs charges and expenses whatsoever which the Secretary of State and the said Imperial Bank of India shall sustain incur or be put to by reason or for or on account or under colour of the renewal of such promissory note or security or for or on account or under colour of the non-payment of such promissory note or security or of the interest now due or hereafter to accrue due thereon to any person or persons being or claiming to be entitled thereto or for or on account or by reason of these presents then the above written Bond or obligation shall be void and of no effect but otherwise the same shall remain in full force and virtue.

Signed, sealed and delivered.

FORM VIII.

[*See rule 22.*]

Form of Indemnity Bond.

KNOW ALL MEN by these presents that I/we am/are held and firmly bound unto the Secretary of State for India in Council in the sum of * Rupees of lawful money of British India to be paid to the said Secretary of State in Council his certain attorneys, successors or assigns for which payment well and truly to be made I/we bind myself/ourselves my/our heirs, executors, administrators and representatives (jointly and every two of us bind ourselves, our heirs, executors, administrators and representatives jointly and each of us binds himself, herself his and her heirs executors, administrators and representatives severally) firmly by these presents sealed with my/our respective seal (s).

* Double the amount of the notes and interest paid thereon since the respective dates of issue.

( ) To be omitted if bond taken from one person only.

Dated this day of in the Christian year one thousand nine hundred and and I/each of us the said

do/doth hereby for myself/himself herself and my/his and her heirs executors administrators and representatives covenant with the said Secretary of State in Council his successors and assigns that if any suit shall be brought touching the subject-matter of this obligation or the condition hereunder written in any Court subject to the superintendence of the High Court of Judicature at Lahore other than the said High Court in its Ordinary Original Civil Jurisdiction the same may at the instance of the said Secretary of State in Council be removed into tried and determined by the said High Court in its Extraordinary Original Civil Jurisdiction.

Claims to be entitled.

Here state in what capacity claim to the notes is made.

WHEREAS the above bounden

to the several Government Promissory Notes specified and set forth in the schedule hereunder written and has caused to be represented to the said Secretary of State in Council that the said Government Promissory Notes have been

Set out representation made concerning the notes.

AND WHEREAS the said

has/have applied to the said Secretary of State in Council for an inspection of the said Notes and also for all other information and particulars respecting the said Notes and whereas the Financial Secretary to the Government of the Punjab (acting in the premises for and on behalf of the said Secretary of State in Council) has agreed to give inspection of the said Notes and to afford to the said

Notes on all information and particulars affecting the said condition of the said

entering into and executing such bond as above written with such condition as hereunder is written.

NOW THE CONDITION of the above written Bond or obligation is such that if the said

heirs executors administrators and representatives shall not and will not at any time hereafter sue the said Secretary of State in Council his successors in office or assigns or any agent employed by or officer or servant of the Government for or in respect of the said Notes or the renewal or sub-division thereof or for the recovery of the value thereto or of any interest thereon or of anything done by the said Secretary of State in Council or his agents or servants in relation thereto and also shall and will save keep harmless and indemnified the said Secretary of State in Council his successors in office or assigns or any agents employed by or officer or servant of the Government against all claims demands or proceedings that may be made or instituted upon or against them or any of them by any person or persons whomsoever in consequence of the said Financial Secretary giving inspection of the said notes or affording to the said (

) information and particulars affecting the said notes then the above written Bond shall be void and of no effect otherwise the same shall be and remain in full force and virtue.

Signed, sealed and delivered by

In presence of

Witness.

Occupation and address.

THE SCHEDULE REFERRED TO IN THE FOREGOING BOND.

LEAVE AND APPOINTMENTS.

The 23rd August, 1923.

No. 1989-F.E.—In continuation of Notification No. 1564-F. E., dated the 28th June 1923, published on page 590 of the *Gazette of India*, Part I, dated the 30th *idem*, it is hereby notified for general information that the examination for the selection of one probationer for the Indian Audit and Accounts Service and two probationers for the Military Accounts Department will be held at Allahabad, and will commence on Monday, the 10th December 1923. One vacancy in the Imperial Customs Service will also be competed for at the same examination.

A. C. McWATTERS,

Offg. Secretary to the Government of India.

Registered No. L. 864.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, SEPTEMBER 14, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, JULY 14, 1923,

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 12th July 1923.

No. 150.—In pursuance of the provisions of section 67, sub-section (6) of the Government of India Act, the Governor-General has been pleased to consent to the following amendments made by the Legislative Assembly in the Standing Orders relating to that Chamber, published with the Government of India, Legislative Department, Notification No. 166, dated the 16th December 1920, namely :—

That after Standing Order 76 the following Standing Orders be added, namely :—

"XIII.—PETITIONS RELATING TO BILLS.

77. Petitions relating to a Bill which has been published under rule 18, or which has been introduced, or in respect of which notice of a motion has been received under the Standing Orders, may be presented or submitted in accordance with the Standing Orders.

78. Any such petition may be presented by a member, or be forwarded to the Secretary, in which latter case the fact shall be reported by him to the Chamber, and no debate shall be permitted on the making of such report.

79. A member presenting a petition shall confine himself to a statement in the following form :—"I present a petition signed by _____ petitioners regarding _____ Bill," and no debate shall be permitted on this statement.

80. (1) A Committee on petitions shall be constituted at the commencement of each session, and shall consist of the Deputy President who shall be chairman and four members nominated by the President, of whom one shall be a chairman of the Assembly. In the absence of the Deputy President, the chairman of the Assembly shall preside.

(2) The President may, if he thinks fit, fill up any vacancies occurring on the Committee during the session.

81. Every petition after presentation by a member or report by the Secretary, as the case may be, shall be referred to the Committee.

82. The Committee shall examine every petition referred to it, and shall report to the Chamber stating the subject-matter of the petition, the number of persons by whom it is signed, and whether it is in conformity with the Standing Orders. If the petition complies with the Standing Orders, the Committee may,

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in its discretion, direct that it be circulated as a paper to the Bill to which it relates. The Committee shall in its report state whether circulation has or has not been directed, and, where circulation has not been directed, the President may in his discretion direct that the petition be circulated. Such circulation shall be of the petition *in extenso* or of a summary thereof as the Committee or the President, as the case may be, may direct.

83. Every petition shall—

(*i*) either be in English and in print or if not in English be accompanied by an accurate English translation in print ;

(*ii*) if presented by a member, be countersigned by him ; and

(*iii*) be couched in respectful and te[mperate] language.

84. The full name and address of eve[ry] signatory to a petition shall be set out there[in] and shall be authenticated by the signatory [if] literate by his signature, and if illiterate by [his] thumb impression.

85. Every petition shall be addressed [to the] Legislative Assembly and shall conclude with [a] prayer reciting the definite object of the peti[tioners] in regard to the Bill to which it relate[s].

86. The general form of petition set out [in] Schedule II, with such variations as the circum[stances] of each case require, may be used an[d] if used, shall be sufficient."

2. That the following Schedule be added to the Standing Orders as Schedule II, namely:—

"SCHEDULE II.

FORM OF PETITION.

(*See Standing Order* 86.)

To THE LEGISLATIVE ASSEMBLY.

(Here insert title of Bill.)

WHEREAS a Bill entitled a Bill

(Here insert name, designation or description of petitioner or petitioners in concise form, e.g., "... Lal and others" or "the inhabitants of—————" or "the municipality of—————" etc.)

is now under the consideration of the Indian Legislature the humble petition o[f]

sheweth

(Here insert concise statement of case.)

and accordingly your petitioner (or petitioners) pray that

(Here insert "that the Bill be not proceeded with" or "that special provision be made in the Bill to meet the case of the petitioner" or any other appropriate prayer regarding the Bill.)

and your petitioner(s) as in duty bound will ever pray.

Name of petitioner.	Address.	Signature or thumb impression.

Countersignature of Member presenting."

The above amendments were passed by the Legislative Assembly on the fifth day of July, 1923.

The 7th July, 1923.

A. F. WHYTE,

President, Legislative Assembly.

I consent to these Amendments.

The 10th July, 1923.

READING,

Viceroy and Governor-General.

L. GRAHAM,

Offg. Secretary to the Government of India.

FROM THE GAZETTE OF INDIA, EXTRAORDINARY, SIMLA, SATURDAY, AUGUST 31, 1923.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 31st August, 1923.

No. F.-213-I. -In exercise of the powers conferred by sections 64 and 129-A of the Government of India Act, the Governor-General in Council, with the sanction of the Secretary of State in Council, is pleased to direct that the following amendment shall be made in the Council of State Electoral Rules, published with the Home Department notification No. F.-213-I, dated the 30th July 1923, namely:—

For clause (c) of sub-rule (1) of rules 5 and 22 of the said rules, the following shall be substituted, namely :—

"(c) is a member of the Council of State and has made the oath or affirmation as such member; or"

No. F.-213-II.—In exercise of the powers conferred by sections 64 and 129-A of the Government of India Act, the Governor-General in Council, with the sanction of the Secretary of State in Council, is pleased to direct that the following amendment shall be made in the Legislative Assembly Electoral Rules, published with the Home Department notification No. F.-213-II, dated the 30th July 1923, namely :—

For clause (c) of sub-rule (1) of rules 5 and 22 of the said rules, the following shall be substituted, namely :—

"(c) is a member of the Legislative Assembly and has made the oath or affirmation as such member; or"

No. F.-213-VII.—In exercise of the powers conferred by sections 72-A. and 129-A. of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to direct that the following amendment shall be made in the Punjab Electoral Rules published with the Home Department notification No. F.-213-VII.—Public. dated the 30th July 1923, namely :—

For clause (c) of sub-rule (1) of rules 5 and 22 of the said rules, the following shal be substituted, namely :—

"(c) is a member of the Council or of any other legislative body constituted under the Act and has made the oath or affirmation as such member; or"

C. W. GWYNNE,

Offg. Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, SEPTEMBER 1, 1923

FINANCE DEPARTMENT.

NOTIFICATION.

CUSTOMS DUTIES.

Simla, the 1st September, 1923.

No. 941.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the bringing by sea or by land into British India of all publications issued by the Pacific Coast Hindustani Association, 5 Wood Street, San Francisco, U. S. A.

A. C. McWATTERS,

Offg. Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," SEPTEMBER 1, 1923.

No. M.-75.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR.

Dated Simla, the 30th August 1923.

RESOLUTION.

THE Governor-General in Council, with the sanction of His Majesty's Secretary of State for India is pleased to direct that the following further amendments shall be made in

the rules for regulating the grant by Local Governments of licenses to prospect for minerals and of mining leases in British India, published with the Resolution of the Government of India in the Department of Commerce and Industry No. 7552-7581-121, dated the 15th September 1913, as subsequently amended :—

(1) In rule 30 (i) before the words " The term " the words " In the case of minerals other than petroleum " shall be inserted.

(2) In the same rule, after the word " land " the following shall be added :—

" in the case of petroleum the license shall be granted for two years in the first instance or such shorter term as the applicant may desire, and may be further renewed by the Collector for one year at a time up to a total period of five years from the date of commencement of the original license. "

(3) In the proviso to rule 45 after the words " minerals of whatsoever kind " the words " other than petroleum " shall be inserted, and the following second proviso shall be added to that rule :—

" Provided also that in the case of petroleum the Local Government shall not grant to any one lessee or those joint in interest with him leases for any area exceeding 150 square miles within the territories administered by it."

(4) In Schedule C to the rules:—

(a) in item (2) after the words " except iron-ore " the words " and petroleum " shall be inserted.

(b) the following new entry shall be added :—

" (4) Petroleum

For areas held under leases within the territories administered by any one Local Government :—

For leases of areas not exceeding a total of 10 square miles. ...	Re. 1 per acre.
For leases of areas exceeding 10 square miles but not exceeding 50 square miles.	Re. 1 per acre for the first 10 square miles. Rs. 2 per acre for the excess over 1 square miles.
For leases of areas above 50 square miles but not exceeding 100 square miles.	Re. 1 per acre for the first 10 square miles. Rs. 2 per acre for the next 40 square miles. Rs. 5 per acre for the excess over 50 square miles.
For leases of areas exceeding 100 square miles.	Re. 1 per acre for the first 10 square miles. Rs. 2 per acre for the next 40 square miles. Rs. 5 per acre for the next 50 square miles, and Rs. 10 per acre for the excess over 100 square miles.

ORDER.—Ordered, that a copy of this Resolution be forwarded to all Local Governments and Administrations for information and guidance, and that a copy be forwarded to the Foreign and Political Department and the Department of Education, Health and Lands, to Chambers of Commerce, to the Director, Geological Survey of India, and to the High Commissioner for India, for information.

ORDERED, also, that the Resolution be published in the Supplement to the *Gazette of India*, for general information.

F. R. R. RUDMAN,

for *Secretary to the Government of India.*

747 PGG—872—14-9-23—SGPP Lahore.

Registered No. L. 884.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, SEPTEMBER 21, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SATURDAY, AUGUST 4, 1923.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

PEACE TREATY.

Simla, the 1st August, 1923.

No. 174.—The following is published for general information :—

The India Treaty of Peace (Hungary) Order, 1923, to give effect to certain sections of the Treaty of Peace with Hungary was published in the *Gazette of India*, dated 28th July 1923.

In pursuance of Section 1 (*i*) of this Order the Governor-General in Council has established a Local Clearing Office at the headquarters of the Government of India for the settlement of outstanding debts and claims between British and Hungarian nationals in accordance with the terms of the Treaty of Trianon and has appointed Mr. B. S. Kisch, I.C.S., Controller, Local Clearing Office (Enemy Debts) and Administrator of Austrian Property in India for Germany as Administrator thereof.

Attention is invited to the following matters provided for in the Treaty and Order.

It is unlawful for any person to pay or accept payment of any enemy debt except where recovery thereof in a Court of Law is allowed by the Order otherwise than through or by the leave of the Local Clearing Office or the Clearing Office established in the United Kingdom, and no person interested in such debt as debtor or creditor shall have any communications with any other person interested therein as creditor or debtor except through or by the leave of such Offices. [Section 1 (*ii*) of the Order.]

All creditors of Hungarian nationals must give notice to the Local Clearing Office of debts due to them before the 31st January 1924. (Paragraph 5 of the Annex to Article 231 of the Treaty.)

All property, rights and interest within India belonging to nationals of the former Hungarian Empire on 26th July 1921 and the net proceeds of their sale, liquidation or other dealing therewith are charged with the payment of certain claims of British nationals, including claims in respect of debts due to them by Hungarian nationals. [Section 1 (*ix*) of the Order.]

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No person shall without the consent of the Administrator, acting under the general directions of the Governor-General in Council, transfer, part with or otherwise deal in any property, rights or interests subject to the charge; any person who contravenes this provision shall, on conviction before a magistrate, be punishable with imprisonment which may extend to three months, or with fine, or with both; [Section 1 (x), (b) of the Order.]

Every person owning or having the control of management of any property, rights or interests in India subject to the charge (including where the property, rights or interests consist of shares, stocks or other securities issued by a Company, municipal authority or other body or any right or interest therein, such Company, authority or body) shall, unless particulars thereof have already been furnished to the Custodian in accordance with the Indian Enemy Trading Acts, 1915-16, within two months from the date of the making of this Order by notice in writing communicate the fact to the Administrator and shall furnish the Administrator with such particulars in relation thereto as the Administrator may require, and if any person fails to do so or furnishes any false information he shall on conviction before a Magistrate be liable to fine; [Section 1 (x) (i) of the Order.]

If any person called upon to pay any money or to transfer or otherwise to deal with any property, right or interest has reason to suspect that the same is subject to such charge as aforesaid he shall before paying, transferring or dealing with the same report the matter to the Administrator and shall comply with any directions that the Administrator may give with respect thereto. [Section 1 (x) (b) of the Order.]

L. GRAHAM,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED SATURDAY, AUGUST 11, 1923.

FINANCE DEPARTMENT (CUSTOMS).

NOTIFICATION.

STAMPS.

Simla, the 11th August 1923.

No. 801.—In exercise of the powers conferred by clause (*a*) of Section 9 of the Indian Stamps Act, 1899 (II of 1899), the Governor-General in Council is pleased to direct that the words "the Indian Stores Department" shall be inserted after the words "Military Farms Department" in entry No. 53 of the Notification of the Government of India in the Finance Department, No. 3616 Exc., dated the 16th July 1909, as subsequently amended.

A. C. McWATTERS,

Secretary to the Government of India.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Dated Simla, the 7th August 1923.

No. M-977.—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Indian Explosives Rules, 1914, the same having been previously published as required by section 18 of the said Act, namely :—

In Schedule III to the said rules :—

(a) Column 5 of Form A and Column 4 of Form B shall be omitted;

(b) Column 6 in Form A and Column 5 in Form B shall be renumbered 5 and 4 respectively; and

(c) In Column 3 of Form A and Form B, before the words "Maximum quantity" the words "Description and" shall be inserted.

A. H. LEY,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED SATURDAY, SEPTEMBER 8, 1923.

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATIONS.

Simla, the 4th September, 1923.

No. 30-H.—The following list of officers exercising political functions under the control of Local Governments who are entitled to wear the uniform prescribed under the orders contained in the Notification by the Government of India in the Home Department, No. F.-215-23-Public, dated the 31st May, 1923, is published for general information :—

Officers and appointments.	Uniform to be worn.
Madras.	
1. Resident in Travancore and Cochin	Third class as shown in the "Description of civil uniform" appended.
2. Assistant Resident in Travancore and Cochin ...	Fifth class as shown in the "Description of civil uniform" appended.
Bombay.	
1. Agent for Sardars of the Deccan	Third class as shown in the "Description of civil uniform" appended.
2. (*a*) Members of the Indian Civil Service other than the Agent to the Governor in Kathiawar serving temporarily in the Bombay Political Department, if serving as Political Agents.	Third class as shown in the "Description of civil uniform" appended.
(*b*) Political Agent, Rewa Kantha ...	Third class as shown in the "Description of civil uniform" appended.
(*c*) Judicial Assistant in Kathiawar ...	Third class as shown in the "Description of civil uniform" appended.
3. Members of the Indian Civil Service serving temporarily in the Bombay Political Department, if serving as Political Assistants.	Fifth class as shown in the "Description of civil uniform" appended.
4. Assistant Commissioner in Sind	Fifth class as shown in the "Description of civil uniform" appended.

Note 1.—Officers who are not on the permanent graded list of the Bombay Political Department and who are appointed as Special Political Agents for first class Indian States in Bombay during a minority, may wear the third class uniform and those so appointed as Special Political Agents for second class States, fifth class uniform.

2.—The possession of civil uniform by any of the above mentioned officers is optional.

Officers and appointments.	Uniform to be worn.
Bihar and Orissa.	
1. Political Agent, Orissa Feudatory States ...	Third class as shown in the "Description of civil uniform" appended.
Punjab.	
1. Deputy Commissioner, Simla, and Superintendent, Hill States.	Third class as shown in the "Description of civil uniform" appended.
2. Deputy Commissioner, Dera Ghazi Khan ...	Third class as shown in the "Description of civil uniform" appended.
3. Deputy Commissioner, Lahore ...	Third class as shown in the "Description of civil uniform" appended.
Burma.	
1. Deputy Commissioners, Bhamo, Myitkyina, Upper Chindwin, Mandalay, Salween, Chin Hills and Putao Districts, and Deputy Commissioner of the Hill District of Arakan.	Third class as shown in the "Description of civil uniform" appended.
2. Superintendent and Political Officer, Southern Shan States, and Superintendent, Northern Shan States.	Third class as shown in the "Description of civil uniform" appended.
3. Assistant * Superintendents in the Shan States ...	Fifth class as shown in the "Description of civil uniform" appended.
Central Provinces.	
1. Political Agent, Chattisgarh Feudatory States ...	Third class as shown in the "Description of civil uniform" appended.
Assam.	
1. Political Agent, Manipur	Third class as shown in the "Description of civil uniform" appended.

* Uniform is not obligatory in the case of Assistant Superintendents who are not Assistant Commissioners.

DESCRIPTION OF CIVIL UNIFORM.

FULL DRESS.

[Extract from the publication entitled " Dress and Insignia worn at Court " (page 37).]*

Coat for 1st and 2nd classes.—Blue cloth, single-breasted, stand collar. The collar and gauntlet cuffs are of black velvet, and the pocket flaps, of blue cloth. Nine buttons up the front showing between the two embroidered edges (which are made to hook), two at the waist behind, and two at the bottom of the back skirts White silk linings. A white collar may be worn inside the collar of the coat.

Gold oakleaf embroidery on the fronts as follows :—

1st class not more than five inches wide, and the 2nd class not more than four inches wide at the base of each front, but to spread across the chest according to figure.

The embroidery on the cuffs should not exceed the following widths :—1st class, 5 inches, 2nd class, 4 inches. The 1st has a purl edging and the 2nd a saw edge.

The collar, pocket flaps, back, skirts, back skirts and side edges are also embroidered.

Coat for 3rd and 5th Classes.—The same as for Levée Dress.

Buttons.—Gilt, mounted, The Royal Arms with supporters.

Hat.—1st Class. Black beaver cocked hat, black silk cockade. Treble gold bullion loop and tassels with hangers. Hangers now take the form of ornaments fixed on the top of the tassels, which do not hang. White ostrich feather border.

2nd class. As above, with double gold bullion loop, gold tassels without hangers.

3rd and 5th classes. As above, with plaited gold bullion loop, and *black* ostrich feather border. No tassels.

Breeches.—White kerseymere with three covered buttons at the knees.

Hose.—White silk.

Shoes.—Black patent leather.

Sword.—Of Regulation pattern with black scabbard and gilt mountings.

Sword Knot.—Gold lace strap with bullion tassel.

Sword Belt.—White web, with white cloth frog.

Buckles (knee and shoe).—Gilt, Rose, Shamrock and Thistle pattern.

Gloves.—White.

LEVÉE DRESS.

(Extract from the same publication, pages 37-38.)

Coat.—Blue cloth, single-breasted, stand collar. The collar and gauntlet cuffs are of black velvet, and pocket flaps of blue cloth. Nine buttons up the front (to button), and two at the waist behind, and two at the bottom of the back skirts. Black silk linings. A white collar may be worn inside the coat.

Buttons.—Gilt, mounted, The Royal Arms (without supporters), surmounted by the Imperial Crown.

The 1st and 2nd classes have gold embroidery on the collar, cuffs, pocket flaps and between the buttons at the waist behind, as on the full dress coat.

The 3rd and 5th classes have embroidery on the coller, cuffs, back, and pocket flaps. The gold oakleaf embroidery for the two classes is the same on the cuffs and pocket flaps, one inch wide within a " saw " edge. The back embroidery is also identical in both classes. The collar of the 3rd class has a saw edge and front embroidery 4½ inches long, and that of the 5th class a saw edge only.

Trousers.—Blue cloth, with Gold Orkleaf Lace on the side seams. The width of the lace as follows :—

1st and 2nd classes, 2½ inches.

3rd and 5th classes, 1¾ inches.

Boots.—Plain, patent, with Military fronts and elastic sides.

Hat.—
Sword.—
Sword Knot.— } The same as for full dress.

* Harrison and Sons, Limited, 44 St. Martins Lane, Edition 1921.

Sword Belt.—White web with blue cloth frog.

Gloves.—White.

For Mourning.—A black crepe band 3½ inches wide, worn above the elbow on the left arm.

NOTE.—(*i*) The full dress coat for the 3rd and 5th classes is the same as the levée dress coat prescribed for these classes.

(*ii*) On certain ceremonial occasions in England Full Dress is sometimes worn with trousers, *viz.*, at Royal Weddings and when His Majesty opens Parliament. It may similarly be so worn in India when specially ordered.

The two classes of uniform should be worn on the following occasions respectively :—

Full Dress.—State Balls and Drawing Rooms, and all State ceremonies in the evening at which ladies are present.

Levée Dress.—State dinners, Levées, and official arrivals and departures.

(*iii*) The hat described under Full Dress should not be worn in the Day time but the helmet discribed under Undress below.

UNDRESS—(*Morning*).

(The details of this uniform are the same as provided in the rules of 1911.)

Coat.—Blue cloth (frock) with black silk lining, black velvet collar and cuffs, and buttons gilt mounted, The Royal Arms (without supporters) surmounted by the Imperial Crown. Three buttons on each side of coat, four on cuffs, two at waist behind one at bottom of back skirts.

Waistcoat.—White marcella, single-breasted, with five or six small bottons as above.

Hat.—Helmet, white Wolseley regulation, with white top button, and white silk *pagri* with gold fringe. Gilt chin-chain, lined with white leather, with rose-hook fixed on first seam of crown from centre of back on right side about three inches from centre of top button, according to sealed pattern.

Overalls.—Blue cloth, with gold oakleaf lace one inch wide, and straps.

Swords.—Mameluke pattern. Brass scabbard.

Sword Knot.—Round gold cord strap with bullion tassel.

Sword Belt.—One and a half inches wide. Lining of red Morocco leather. Sling, Russain leather one inch wide on red Morocco leather, covered with gold oakleaf lace.

Forage Cap.—As for staff officers in the army, blue cloth with gold embroidered peak on black patent leather and band of gold oak leaf lace 1¾ inches wide round the cap. The cap to be fitted with a removeable white pique cover, which should always be worn.

Great Coat and Cape.—Blue milled cloth. Double breasted, two rows of gilt buttons down front, six in each row. Stand and fall collar of black velvet, four inches deep with fly to cover band of cap. Loose round cuffs six inches deep, pockets at sides with flaps. Two openings at side seams, with pointed flap, 11 inches long, and three gilt buttons Sword slit on left side. Opening behind about 25 inches long, and gusset extending to bottom with a tab and button to close it when worn on foot. Cloth black strap with gilt buckle, two inches wide, to confine the coat at waist. Cape of same cloth as coat. Four medium gilt buttons down front to fasten at neck with small strap and buckle. Lined black.

N.B.—The great coat may be worn without the cape at option.

Boots.—Plain Wellington.

Spurs.—Box, brass, swan-necked.

Gloves.—White dog skin.

NOTE.—The helmet described above should be worn with Full Dress and Levée Dress in the day-time and not the hat described under Full Dress.

Officers who provide themselves with undress uniform need not, unless they so desire, also provide themselves with the great coat and cape described in these Regulations.

MESS DRESS.

Coat.—Blue cloth evening coat, black lining. Black Velvet collar and cuffs. Facing plain black silk. Buttons as in morning undress, three on each side of coat, two at waist behind, four on cuffs, none at bottom of back skirts.

Waistcoat.—White marcella, single-breasted, without collar, with three or four small buttons as above.

Trousers.—Plain black cloth.

NOTE.—Members of the Viceregal Staff wear in place of the coat described above a Blue Evening Dress Coat with Black velvet collar. "Star of India" blue silk facings and skirt linings, with silk linings to match. Three buttons gilt mounted. The Royal Cipher and Imperial Crown, on each front, two at waist behind and four small buttons on each cuff.

HOT WEATHER UNIFORM.

Patrol coat.—White cotton drill, stand and fall collar fastened with one hook and eye. Five gilt medium buttons down front, two patch breast pockets with box plait, one inch wide in centre and pointed flaps with small gilt button in each. Sleeves plain with pointed cuffs 5 inches high at point and 2½ inches behind.

Rank will be designated by shoulder cords and number of buttons on cuffs as follows:—

Shoulder cords.—Of gold wire Lancer shoulder strap cords, on each shoulder.

For Governors, and Ordinary Members of the Executive Council of the Governor-General—four cords twisted.

For officers entitled to wear 3rd class uniform—two cords twisted.

For officers entitled to wear 5th class uniform—two cords straight.

Buttons on cuffs.—For Governors, and Ordinary Members of the Executive Council of the Governor-General—four buttons.

For officers entitled to wear 3rd class uniform—three buttons.

For officers entitled to wear 5th class uniform—two buttons.

Overalls.—White cotton drill overalls with the black leather foot straps.

Buttons.—Governors, and Ordinary Members of the Executive Council of the Governor-General wear gilt mounted buttons with the Royal Arms, with supporters. The buttons to be worn with the 3rd and 5th classes of uniform should be gilt, mounted, bearing the Royal Arms without supporters, surmounted by the Imperial Crown.

Helmet, boots, spurs, forage cap, sword and sword belt.—As for undress. Belt to be worn under the coat.

NOTE.—This uniform will be worn in substitution either for the full dress or undress uniform during such periods of the year as the Local Government may prescribe. Local Governments are autohrised to declare that officers need not provide themselves with it unless an occasion arises when they will require it. When the uniform is worn as full dress, medals and decorations will be worn. When it is worn as undress ribbons only will be worn.

HOT WEATHER EVENING DRESS UNIFORM.

Mess Jacket.—White drill, roll collar, sleeves plain with pointed cuffs, five inches high at point and 2½ inches behind. Shoulder cords and small gilt buttons on cuffs as prescribed for Hot Weather Uniform.

Waistcoat.—White marcella as for Mess Dress. A plain dark-blue *kamarband* may be worn if preferred.

Overalls.—White drill with black leather foot straps. White drill-trousers may be worn if preferred. If overalls are worn plain military boots (patent leather) must be worn.

Tie.—Black silk.

NOTE.—The possession of this uniform is optional, and it may be worn in substitution for Mess Dress during such periods as the local Government may prescribe.

ALTERNATIVE DRESS FOR EVENING FUNCTIONS ONLY.

The following may be worn in lieu of Uniform or Court Dress at evening functions only—

An ordinary black evening dress coat.

Black or white evening dress waistcoat.

Breeches.—Plain black evening dress material or stockinet, with three small black cloth or silk buttons and small jet or black buckles at the knee.

Hose.—Black silk.

Shoes.—Plain court with bows, no buckles.

Tie.—White evening dress bow neck-tie.

NOTE.—All persons in possession of Civil Uniform made in accordance with the old Regulations may continue to wear such uniform as heretofore.

G. D. OGILVIE,

Offg. Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATIONS.

CUSTOMS DUTIES.

Simla, the 8th September, 1293.

No. 986.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 78 (VIII of 1878), and in supersession of the Notification of the Government of India in the Department of Commerce, No. 503, dated the 20th January 1923, the Governor-General in Council is pleased to prohibit the bringing by sea or by land into British India, of all copies of the publication entitled "the Indian Independence" published at Berlin.

No. 989.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the bringing, by sea or by land, into British India of any copy of any publication issued by the Kaviani Press, Berlin, in whatever language it may be printed.

A. C. McWATTERS,

Offg. Secretary to the Government of India.

776 PGG—872—21-9-23—SGPP Lahore.

Registered No. L. 864.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, SEPTEMBER 28, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, SEPTEMBER 22, 1923.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 17th September 1923.

No. F.-326-23.—The following papers are published for general information :—

PUBLIC.

No. 55.

INDIA OFFICE, LONDON,

5th July, 1923.

TO HIS EXCELLENCY THE RIGHT HONOURABLE THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

Appointment of a Royal Commission on the superior civil services in India.

MY LORD,

I have to inform you that His Majesty has been pleased to direct that a Royal Commission be appointed to examine and report upon the following matters in connection with the superior civil services in India :—

(1) The organisation and general conditions of service, financial and otherwise, of those services ;

(2) The possibility of transferring immediately or gradually any of their present duties and functions to services constituted on a provincial basis ;

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(3) The recruitment of Europeans and Indians respectively for which provision should be made under the constitution established by the Government of India Act and the best methods of ensuring and maintaining such recruitment; and to make recommendations.

2. The following are appointed the Members of the Royal Commission :—

Chairman.

The Right Hon'ble The Viscount Lee of Fareham, P.C., G.B.E., K.C.B.

Members.

Sir Reginald Craddock, G.C.I.E., K.C.S.I.

Sir Cyril Jackson, K.B.E.

Sir Chimanlal Harilal Setalvad, Kt.

Khan Bahadur Sir Muhammad Habibullah, Sahib Bahadur, Kt., C.I.E.

Rai Bahadur Hari Kishan Kaul, C.S.I., C.I.E.

David Petrie, Esq., C.I.E., C.V.O., C.B.E.

Bhupendra Nath Basu, Esq.

Reginald Coupland, Esq.

3. I transmit, for your information, six copies of the Royal Warrant of appointment.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servant,

(Sd.) PEEL.

GEORGE R. I.

GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, to

Our Right Trusty and Well-beloved Cousin and Counseller Arthur Hamilton, Viscount Lee of Fareham, Knight Grand Cross of Our Most Excellent Order of the British Empire, Knight Commander of Our Most Honourable Order of the Bath ; and

Our Trusty and Well-beloved :—

Sir Reginald Henry Craddock, Knight Grand Commander of Our Most Eminent Order of the Indian Empire, Knight Commander of Our Most Exalted Order of the Star of India, late Lieutenant-Governor of Burma ;

Sir Cyril Jackson, Knight Commander of Our Most Excellent Order of the British Empire ;

Sir Chimanlal Harilal Setalvad, Knight, Member of the Executive Council of the Governor of Bombay ;

Khan Bahadur Sir Muhammad Habibullah, Sahib Bahadur, Knight, Companion of Our Most Eminent Order of the Indian Empire, Member of the Executive Council of the Governor of Madras ;

Rai Bahadur Hari Kishan Kaul, Companion of Our Most Exalted Order of the Star of India, Companion of Our Most Eminent Order of the Indian Empire, Commissioner, Punjab ;

David Petrie, Esquire, Companion of Our Most Eminent Order of the Indian Empire, Commander of the Royal Victorian Order, Commander of Our Most Excellent Order of the British Empire, Indian Police Service ;

Bhupendranath Basu, Esquire, Member of the Council of India ; and

Reginald Coupland, Esquire, Beit Professor of Colonial History in Our University of Oxford.

Greeting !

Whereas, having regard to the necessity for maintaining a standard of administration in conformity with the responsibilities of the Crown for the Government of India, and to the declared policy of Parliament in respect of the increasing association of Indians in every branch of the administration, and in view of the experience now gained of the operation of the system of government established by the Government of India Act in respect of the superior Civil

Services in India, We have deemed it expedient that a Commission should forthwith issue to inquire into :—

(1) The organisation and general conditions of service, financial and otherwise, of those Services ;

(2) The possibility of transferring immediately or gradually any of their present duties and functions to services constituted on a provincial basis ;

(3) The recruitment of Europeans and Indians respectively for which provision should be made under the Constitution established by the said Act, and the best methods of ensuring and maintaining such recruitment ; and to make recommendations :

Now know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorise and appoint you, the said Arthur Hamilton, Viscount Lee of Fareham (Chairman) ; Sir Reginald Henry Craddock ; Sir Cyril Jackson ; Sir Chimanlal Harilal Setalvad ; Sir Muhammad Habibullah ; Hari Kishan Kaul ; David Petrie ; Bhupendranath Basu and Reginald Coupland to be Our Commissioners for the purposes of the said inquiry.

And for the better effecting the purposes of this Our Commission, We do by these Presents give and grant unto you, or any three or more of you, full power, at any place in Our said United Kingdom of Great Britain and Ireland, or in India, to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission ; and also, whether in Our said United Kingdom, or in India, to call for information in writing ; to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these Presents authorize and empower you, or any one or more of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

And We do by these Presents will and ordain that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time. if you shall judge it expedient so to do.

And Our further will and pleasuré is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at *Saint James's*, the fifteenth day of June, one thousand nine hundred and twenty three, in the fourteenth year of Our Reign.

By His Majesty's Command,

W. C. Bridgeman.

ROYAL COMMISSION ON THE SUPERIOR CIVIL SERVICES IN INDIA.

The 19th September 1923.

No. F.-989-22.—The Secretary of State for India in Council proposes to amend the regulations for the Indian Civil Service competitive examination held annually in India so as to provide that the age of candidates will be reckoned as on the 1st January instead of the 1st August of the year in which the examination is held.

2. The change will come into operation with effect from the examination to be held in 1925, the amended rule will provide that candidates must have attained the age of 21 and must not have attained the age of 23 on the first day of January in the year in which the examination is held.

J. CRERAR,

Secretary to the Government of India.

[illegible] in India. We have deemed it expedient that a Commission should forthwith issue to inquire into—

(a) the organisation and general conditions of service, financial and otherwise, of those Services;

(b) the possibility of transferring immediately or gradually any of their present duties and functions to services constituted on a provincial basis;

(c) the recruitment of Europeans and Indians respectively for which provision should be made under the Constitution established by the said Act, and the best methods of ensuring and maintaining such recruitment; and to make recommendations:

Now know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorize and appoint, you, the said Arthur Hamilton, Viscount Lee of Fareham [illegible]; Sir [illegible] Craddock; Sir Cyril Jackson; Sir [illegible]; Sir Mahomed Habibullah; Hari Kishen Kaul; David Petrie; Bhupendra Nath Basu and [illegible] to be Our Commissioners for the purposes of the said inquiry.

And for the better effecting the purposes of this Our Commission, We do by these Presents give and grant unto you, or any three or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission, and also to call for information in writing; and also to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these Presents authorize and empower you, or any one or more of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

And We do by these Presents will and ordain that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time, if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at [illegible], the [illegible] day of [illegible], one thousand nine hundred and twenty three, in the fourteenth year of Our Reign.

By His Majesty's Command.

W. C. Bridgeman.

Registered No. L. 884.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 5, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, SEPTEMBER 29, 1923.

FINANCE DEPARTMENT.

RESOLUTION.

Simla, the 18th September, 1923.

No. 2119-Ex.—His Majesty's Secretary of State for India in Council has been pleased to make the following amendment in rule 1 (1) of the rules appended to the Government of India, Finance Department, Resolution No. 1449-E.A., dated the 29th September 1922:—

After the words "held by a Member of an all-India Service", *insert* the words "or by an officer holding the King's Commission".

Ordered that a copy be forwarded to all Local Governments and Administrations; to the several Departments of the Government of India; to the Financial Adviser, Military Finance; to the Financial Adviser, Posts and Telegraphs; to the Board of Inland Revenue; to the Private Secretary to His Excellency the Viceroy; to the Military Secretary to His Excellency the Viceroy; to the * Auditor General; to all Accountants-General; to Comptroller, Assam; to the Controller of War Accounts; to all Chief Auditors of State Railways; to the Examiner of Press Accounts; to the Examiner of Customs Accounts; to all Government Examiners of Railway Accounts; to the Heads of Departments subordinate to the Finance Department; to the Deputy Controllers of Currency, Calcutta, Bombay and Delhi; to the Deputy Accountant-General, Central Revenues; to the Audit Officers, Khyber Railway Construction, Delhi (new Capital) Railway Works Project, Bombay Development Scheme and Indian Stores Department.

* Together with a copy of Secretary of State's despatch No. 32-Financial, dated the 2nd August 1923.

Ordered also that the Resolution be published in the *Gazette of India.*

A. C. McWATTERS,

Secretary to the Government of India.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

HEALTH.

Simla, the 24th September, 1923.

No. 725.—The services of Lieutenant-Colonel H. Hallilay, M.B., I.M.S., Civil Surgeon, Simla West, are placed at the disposal of the Government of the Punjab, with effect from the 20th October 1923.

No. 726.—Lieutenant-Colonel W. W. Jeudwine, C.M.G., M.D., I.M.S., is appointed to be Civil Surgeon, Simla West, with effect from the date on which he assumes charge from Lieutenant-Colonel Hallilay.

M. S. D. BUTLER,

Secretary to the Government of India.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

POSTS AND TELEGRAPHS.

Simla, the 29th September 1923.

No. 51-P. T.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following further amendment shall, with effect from the 1st day of October 1923, be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry No. 6975-137, dated the 16th September 1909, namely:—

After rule 371 of the said rules the following heading and rule shall be inserted namely :—

General rule for daily letter telegrams—

372. "*Daily letter telegrams* will be accepted on the conditions prescribed in rules 359 to 371 for deferred foreign telegrams—

provided that—

(1) the charge for a daily letter telegram shall, subject to a minimum payment for twenty words, be one-fourth of the charge for an ordinary telegram ;

(2) on Indian lines daily letter telegrams shall be transmitted after Deferred Foreign telegrams ;

(3) the supplementary instruction D. L. T. to be charged for as one word, shall be inserted before the address on all daily letter telegrams ; and

(4) daily letter telegrams will be accepted on any day of the week except Sunday, delivery being ordinarily made to the addressee after forty-eight hours."

A. H. LEY,

Secretary to the Government of India.

FROM THE "SUPPLEMENT TO THE GAZETTE OF INDIA," SEPTEMBER 29, 1923.

No. 1638-C.S.R.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

Simla, the 25th September, 1923.

RESOLUTION.

The Governor-General in Council is pleased to decide that the following shall be added to the list of services mentioned in the Schedule appended to Finance Department Resolution No. 854-C. S.R., dated the 29th May 1923 :—

(17) The Zoological Survey of India.

(18) Indian Forest ...

(19) Chaplains.

(20) Officers holding the King's Commission whose travelling allowance is regulated under civil rules.

(21) Indian Meteorological Service.

ORDERED that the Resolution be published in the Supplement to the *Gazette of India.*

A. C. McWATTERS,

Secretary to the Government of India.

No. 1640-C.S.R.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

Simla, the 25th September, 1923.

RESOLUTION.

The following order of the Secretary of State in Council is published for general information :—

In exercise of the powers conferred by section 96-B (2) of the Government of India Act, the Secretary of State in Council, with the concurrence of the majority of votes at a meeting of the Council held this 24th day of July 1923, hereby makes the following amendments to Rule 70 of the Fundamental Rules :—

For the existing clause (*a*) (*i*) there shall be substituted : " (*a*) (*i*) to receive a free passage to India ; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever period is shorter, to receive a refund of the cost of his passage from India. "

ORDERED that the Resolution be published in the Supplement to the *Gazette of India.*

A. C. McWATTERS,

Secretary t the Government of India.

No. 1643-C.S.R.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

Simla, the 25th September, 1923.

RESOLUTION.

The following order of the Secretary of State in Council is published for general information :—

" In exercise of the powers conferred by sub-section (2) of section 96-B. of the Government of India Act, the Secretary of State in Council, with the concurrence of the majority of the votes at a meeting of the Council held this 24th day of July 1923, has been pleased to direct that the following amendment shall be made in the Fundamental Rules, with effect from 1st January 1922."

Insert the following as a note to Rule 18 :—

" NOTE.—The Governor-General in Council is authorised to relax this rule in the case of Government servants lent to the Governments of Siam and Iraq. "

ORDERED that the Resolution be published in the Supplement to the *Gazette of India.*

A. C. McWATTERS,

Secretary to the Government of India.

No. 1698-C.S.R.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

Simla, the 25th September 1923.

RESOLUTION.

The Secretary of State in Council is pleased to prescribe, with reference to Fundamental Rule 84, the following rules to regulate the grant of leave to officers for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction. They have effect from the 1st January 1922.

Rules for the grant of additional leave to officers for the Study of Scientific, Technical or Similar Problems, or in order to undertake special Courses of Instruction.

The following rules relate to study leave only. They are not intended to meet the case of officers deputed to other countries at the instance of Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will continue to be dealt with on their merits under the provisions of Rules 50 and 51 of the Fundamental Rules. The rules apply to the Archæological Department, the Sanitary and Bacteriological Departments (other than as regards officers of the Indian Medical Service, to whom special rules apply), the Botanical Survey (including the officers of the Royal Botanic Garden, Calcutta), the Civil Veterinary Department, the Factory Department, the Geological Survey, the Agricultural Department, the Meteorological Department, the Railway Department (Traffic, Locomotive and Engineering Branches), the Telegraph Department, the Zoological Survey, the Education Department, the Public Works Department and the Forest Department (except in respect of continental tours, to which special rules apply). The rules may be extended by the authorities empowered to sanction study leave under Rule 1 to any officer, including an officer of a Provincial Service, not belonging to any of the departments mentioned above, in whose case the sanctioning authority is of opinion that leave should be granted in the public interests to pursue a special course of study or investigation of a scientific or technical nature.

NOTE.—The extension of these rules to the Public Works Department does not affect the existing rule under which officers of less than 12 years' service are allowed to visit engineering works when on leave in Great Britain, travelling expenses only being reimbursed.

1. Extra furlough for the purpose of study leave may be taken either in or outside India. It may be granted to an officer of any of the departments named above by the Local Government or Administration under which he is serving, provided that when an officer borne permanently on the cadre of one province or department is serving temporarily in another province or department the grant of leave is subject to the conditions (*a*) that the sanctioning authority can make local arrangements to carry on his work in his absence, and (*b*) that the sanction of the province or department to which he is permanently attached is obtained before leave is given. Study leave should not ordinarily be granted to officers of less than five years service or to officers within three years of the date at which they have the option of retiring, or, if they have the option of retiring after 20 years' service, within three years of the date at which they will complete 25 years' service. Nor should it be granted to officers who are about to retire on proportionate pension.

2. The grant of study leave should be made with due regard to the exigencies of the public service. In no case should the grant of this leave, in combination with ordinary leave, involve an absence of over two years from an officer's regular duties, or exceed two years in the whole period of an officer's service; nor should it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. A period of 12 months at one time should ordinarily be regarded as a suitable maximum, and should not be exceeded save for exceptional reasons.

3. An officer whose study leave is combined with any other kind of leave should be required to take his period of study leave at such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.

4. When an officer has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority in India to his taking it as ordinary furlough.

5. Except as provided in Rule 6, all applications for study leave should be submitted with the audit officer's certificate to the Head of the Department through the prescribed channel, and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein.

6. Officers on furlough or other leave in Europe or America, who wish to have part of it converted into study leave, should address the High Commissioner for India and should attach (1) a statement showing how they propose to spend the study leave, and (2) documentary evidence that their application for the particular course of study or examination proposed has the approval of the proper authorities in India. Similarly, officers on furlough or other leave in Europe or America who desire to have it extend for purposes of study, should address the High Commissioner, but in addition to the above requirements they must support their applications with documentary evidence of their having obtained the approval of the authorities concerned in India to their applying for an extension of leave.

7. A study allowance will be granted for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. The rates as at present fixed are 12*s.* a day in the United Kingdom, 1*l.* a day on the continent of Europe, and 30*s.* a day in the United States of America. These rates are liable to revision. The rate to be granted to officers who take study leave in other countries, including India, will be specially considered by the High Commissioner of the Government of India, as the case may be, in each case. In no case will subsistence allowance be granted in addition to study allowance, and ordinarily travelling expenses will not be paid, but in exceptional cases claims will be considered on their merits by the Government of India or High Commissioner.

8. Study allowance will be admissible up to 14 days for any period of vacation. A period during which an officer interrupts his course for his own convenience cannot be considered as vacation. In the case of an officer retiring from the service without returning to duty after a period of study leave the study allowance will be forfeited. If the officer is under civil leave rules the study leave will be converted into furlough to the extent of the furlough standing to his credit at the date of retirement. Any balance of the period of study leave mentioned above which cannot be so converted will be excluded in reckoning service for pension.

9. Officers granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases the High Commissioner or the Government of India, as the case may be, will be prepared to consider proposals that such fees should be paid by Government.

10. On completion of a course of study a certificate on the proper form (which may be obtained from the High Commissioner) together with certificates of examination passed or of special study, shall, when the study leave has been taken in Europe or America, be forwarded to the High Commissioner. When the study leave has been taken in any other country certificates of examinations passed or of special study, which should show the dates of commencement and termination of the course, with any remarks by the instructor, shall be forwarded to the authority which sanctioned the leave. In the case of a definite course of study at a recognised institution the study allowance will be payable by the High Commissioner or in India, as the case may be, on claims submitted by the officer from time to time, supported by proper certificates of attendance. When the programme of study approved under Rule 5 does not include or does not consist entirely of such a course of study, the officer shall submit to the High Commissioner or to the authority in India which sanctioned his leave, as the case may be, a diary showing how his time has been spent, and a report indicating fully the nature of the methods and operations which have been studied, and including suggestions as to the possibility of applying such methods or operations to India. The High Commissioner or the sanctioning authority in India, as the case may be, will decide whether the diary and report show that the time of the officer has been properly employed, and will determine accordingly for what period the study allowance referred to in Rule 7 may be granted.

11. Study leave will count as service for promotion and pension, but not for furlough or any other leave. It will not affect any leave which may already be due to an officer; it will count as extra furlough, and will not be taken into account in reckoning the aggregate amount of furlough taken by the officer towards the maximum period admissible under the Fundamental Rules.

12. During study leave an officer will draw half average pay as defined in Rule 9 (2) of the Fundamental Rules, subject to the maxima and minima laid down in Rules 89 and 90, *ibid.* The rate of exchange prescribed by the Secretary of State in Council for the conversion of leave salary (other than that admissible during the first four months of a period of leave on average pay) shall apply to study leave allowances. An officer may, subject to the approval of the proper authorities being obtained as required by Rules 5 or 6, undertake or commence a course of study during leave on average pay, and, subject to paragraphs 7 and 8, draw study allowance in respect thereof, provided that study allowance is not drawn for an aggregate period exceeding two years during the whole of an officer's service. This rule applies

to military officers in civil employment taking leave under the Fundamental Rules. A military officer taking leave under military rules will draw the furlough pay admissible to him under those rules; if on combined leave he may be permitted to commence a course of study before the end of his privilege leave, and draw for such period the study allowance admissible under rule 7, without forfeiture of privilege leave allowances, the full amount of study leave taken being, for all purposes of record and subsequent calculation of leave, post-dated as if it commenced at the end of the privilege leave.

13. On an application for study leave in Europe or America being sanctioned by the Government of Madras, Bombay or Bengal, the local Government should inform the High Commissioner of the particulars of the case. When such leave is sanctioned by any other local Government or Administration a report should be made to the Government of India, who will inform the High Commissioner. It will be necessary for the officer concerned to place himself in communication with the High Commissioner, who will arrange any details and issue any letters of introduction that may be required. In all cases in which study leave in any other country is sanctioned the particulars should be reported to the Government of India.

ORDERED that the Resolution be published in the Supplement to the *Gazette of India*.

A. C. McWATTERS,

Secretary to the Government of India.

884 PGG—872—5-10-23—SGPP Lahore.

Registered No. L. 884.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 12, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, SEPTEMBER 8TH, 1923.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

NOTIFICATION.

Simla, the 6th September 1923.

No. 120-T.-18.—In exercise of the powers conferred by the notification of the Government of India in the Department of Commerce and Industry, No. 801, dated the 24th March 1905, and in pursuance of section 84 of the Indian Railways Act, 1890 (IX of 1890), the Railway Board direct that the following amendments shall be made in the rules regarding notices of, and enquiries into, accidents on railways, published with their Notification No. 120-T.-18, dated the 21st March 1923:—

For the proviso to rule 27 (2), ***substitute*** the following:—

Provided that the investigation may be carried out by an Officer-in-Charge of a police station—

(*i*) in such a case as is referred to in clause (*a*) of sub-rule (1) unless loss of life or grievous hurt has been caused to more persons than one or injury to property has been caused to a value exceeding Rs. 10,000, or there is reason to suspect that any servant of the railway has been guilty of neglect of rules, or

(*ii*) in the case referred to in clause (*b*) of sub-rule (1) if the District Magistrate so directs.

R. H. CASEMENT,

Offg. Secretary, Railway Board.

878 PGG—872—12-10-23—SGPP Lahore.

Registered No. L. 864

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, OCTOBER 19, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, AUGUST 11, 1923.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 8th August, 1923.

No. 176.—In pursuance of the provisions of section 67, sub-section (6) of the Government of India Act, the Governor General has been pleased to consent to the following alteration made by the Council of State in the Standing Orders relating to that Chamber, published with the Government of India, Legislative Department, Notification No. 165, dated the 16th December 1920, namely :—

That after Standing Order 72 the following Standing Orders be added, namely :—

XIII—PETITIONS.

73. Petitions relating to a Bill pending in the Chamber may be presented or submitted in accordance with the Standing Orders.

74. Any such petition may either be presented by a member, or be forwarded to the Secretary, in which latter case the fact shall be reported by him to the Chamber.

75. A member presenting a petition shall confine himself to a statement in the following form :—" I present a petition signed by ________ petitioners regarding ________ Bill now pending in this Chamber ", and no debate shall be permitted on this statement.

76. At the commencement of each session the President shall nominate a Chairman and four members to constitute the Committee on Petitions and, if he thinks fit, shall fill up any vacancies occurring on the Committee during the session.

77. Every petition shall, after presentation by a member or report by the Secretary, as the case may be, be referred to the Committee, and the Chamber shall not be considered to be seised of the petition till the Committee has reported thereon.

78. The Committee shall examine every petition referred to it, and shall report to the Chamber stating the subject-matter of the petition, the number of persons by whom it is signed, and whether it is in conformity with the Standing Orders. If the petition complies with the Standing Orders, the Committee may, in its discrtion, direct that it be circulated

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as a paper to the Bill to which it relates. Such circulation shall be of the petition *in extenso* or of a summary thereof as the Committee may direct. The Committee shall in its report state whether circulation has or has not been directed.

79. Every petition shall—

(*i*) either be in English and in print or if not in English be accompanied by an accurate English translation in print;

(*ii*) if presented by a member, be countersigned by him; and

(*iii*) be couched in respectful and temperate language.

80. The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by the signatory, if literate by his signature, and, if illiterate, by his thumb impression.

81. Every petition shall be addressed to the Council of State and shall conclude with a definite prayer in regard to the Bill to which it relates.

82. The general form of petition set out in Schedule II, with such variations as the circumstances of each case require, may be used and, if used, shall be sufficient.

SCHEDULE II.

Form of petition.

TO THE COUNCIL OF STATE.

(Here insert title Bill.)

WHEREAS a Bill entitled a Bill

(Here insert ...me and designa... ...n or description ... petitioner in ...ncise form, e.g., Ram Lal and ...hers" or "the ...habitants of— ———" or ...he municipality ———" etc.)

is now under the consideration of the Council of State, the humble petition of

Here insert con... ...e statement of ...e.)

sheweth

Here insert ...at the Bill be ...e not proceeded ...," or "that ...ial provision ... made in the ...l to meet the ... of your peti...er," or any ...r appropriate ...er regarding ... Bill.)

and accordingly your petitioner prays that

and your petitioner as in duty bound will ever pray.

Signature of petitioner.

Countersignature of member presenting.

W. T. M. WRIGHT,

Joint S...

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, OCTOBER 6, 1923.

FINANCE DEPARTMENT.

NOTIFICATION.

PENSIONS AND GRATUITIES.

FUNDS, SERVICE AND OTHER.

Simla, the 4th October, 1923.

No. 2410-F.E.—With reference to the Government of India, Finance Department, Notification No. 1823-F. E., dated the 31st August 1921, published in the *Gazette of India*, dated the 3rd September 1921, the following amendment to Article 3 of the Indian Civil Service Family Pension Regulations is published for general information :—

THE FOLLOWING SHOULD BE SUBSTITUTED FOR THE SECOND PARAGRAPH OF ARTICLE 3 OF THE INDIAN CIVIL SERVICE FAMILY PENSION REGULATIONS.

Pensioners resident *outside India* either receive payment direct from the High Commissioner for India, 42, Grosvenor Gardens, S. W.-1, or at their option, if resident in any of the British Colonies or Dominions, through such other channel as may from time to time be authorised by the Secretary of State for India in Council for the payment of pensions therein. A pensioner drawing pension locally will receive payment at the current rate of exchange, and will in no case be entitled to the benefit of the privileged rates referred to in the following paragraph.

Pensioners residing *in India* receive payment at their option from the High Commissioner for India or in India as follows :—A pensioner who was receiving pension in India prior to 1st February, 1921, at 1*s*. 4*d*. the rupee may continue to receive it at that rate or at the current rate of exchange, whichever is more advantageous to the recipient; a pensioner who had been admitted to pension prior to the above date or who is a dependant of a subscriber in the Service on the above date and who commences to receive payment in India after that date may receive payment at the current rate of exchange, subject to the proviso that the conversion will not be at a less favourable rate than 1*s*. 8*d*. the rupee; a pensioner who is a dependant of a subscriber entering the Service after the above date shall, if the pension is drawn in India, receive payment there at the current rate of exchange. A pensioner who has exercised the option and receives payment in India is only permitted to change at the commencement of an official year.

A. C. McWATTERS,

Secretary to the Government of India.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 5th October, 1923.

No. M.-1005.—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Governor General in Council is pleased to direct that the following further amendment shall be made in the Indian Explosives Rules, 1914, the same having been previously published as required by section 18 of the said Act, namely :—

For the entry in the second column of Schedule IV to the said rules relating to "Class 3, Division 1, other than propellants", the following shall be substituted, namely :—

"As for class 1, provided that either the outer or inner package shall be thoroughly waterproof, and that no metal shall be used in the construction of the packages, except that (1) nails made of brass, zinc, or other soft metal or coated with the same may be used for securing the outer package, and (2) wire stitching may be used for securing the inner package if the wire is effectively prevented from coming into contact with the explosive by means of a sheet of stout cardboard or otherwise."

A. H. LEY,

Secretary to the Government of India.

909 PGG—876—19-10-23—SGPP Lahore.

FOR THE [illegible] [illegible] OCTOBER 1923.

FINANCE DEPARTMENT.

NOTIFICATION.

PENSIONS AND GRATUITIES.

Family Pension Funds.

Simla, the 4th October 1923.

No. 6410 F.—With reference to the Government of India, Finance Department, Notification No. 1532 F. [illegible], dated the 21st August 1921, published in the Gazette of India, of the 3rd September, 1921, the following [illegible] to Article 8 of the Indian Civil Service Family Pension Regulations [illegible]:—

THE FOLLOWING SHOULD BE SUBSTITUTED FOR THE SECOND PARAGRAPH OF ARTICLE 8 OF THE INDIAN CIVIL SERVICE FAMILY PENSION REGULATIONS:—

Pensioners resident outside India either receive payment direct from the High Commissioner for India, 42, Grosvenor Gardens, S. W. 1, or at their option through [illegible] of the British Colonies or Dominions, through such other channel as may from time to time be [illegible] by the Secretary of State for India in Council for the payment of pensions therein. A pensioner drawing pension locally will receive payment at the current rate of exchange and will in no case be entitled to the benefit of the privilege last referred to in the following paragraph.

Pensioners residing in India receive payment of their pension from the High Commissioner for India or in India as follows:—A pensioner who was receiving pension in India prior to the [illegible] February, 1921, at 1s. 4d. the rupee may continue to receive it at that rate or at the current rate of exchange, whichever is more advantageous to the recipient. A pensioner who had been admitted to pension prior to the above date or who is a dependent of a subscriber in the Service on the above date and who commences to receive payment in India after [illegible] may receive payment at the current rate of exchange, subject to the proviso that [illegible] will not be at a less favourable rate than [illegible] the rupee. A pensioner who [illegible] pension [illegible] after the above date shall, if the pension is a dependent of a subscriber entering the Service after the above date [illegible], if drawn in India, receive payment through the current rate of exchange. A pensioner who [illegible] the option and receives payment in India is only permitted to change at the commencement of an official year.

A. F. McWATTERS,

Secretary to the Government of India.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 8th October, 1923.

No. M.-1005.—In exercise of the powers conferred by section [illegible] of the Indian Explosives Act, 1884 (IV of 1884), the Governor General in Council is pleased to direct that the following further amendment shall be made in the Indian Explosives Rules, 1914, the same having been previously published as required by section [illegible] of the said Act, namely:—

For the entry in the second column of Schedule IV to the said rules relating to "Class 3, Division 1, other than propellants", the following shall be substituted, namely:—

"As for class 1, provided that neither the outer or inner package shall be thoroughly watertight, and that no [illegible] shall be used in the construction of the packages, except that (1) nails made of brass, zinc or [illegible] soft metal or [illegible] may be used for securing the outer package and (2) wire [illegible] may be used for [illegible] the outer package if the wire is effectively protected from coming into contact with the explosive by [illegible]."

[illegible]

Secretary to the Government of India.

Registered No. L. 884.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, OCTOBER 26, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, OCTOBER, 13, 1923.

HOME DEPARTMENT.

NOTIFICATION.

JUDICIAL.

Simla, the 8th October, 1923.

No. F.-643-23.—In pursuance of proviso (*i*) to sub-section (2) of section 101 of the Government of India Act, the Governor General in Council is pleased to appoint Khan Bahadur Mirza Zafar Ali of the Punjab Civil Service to act as an Additional Judge of the High Court of Judicature at Lahore for a period of three months, with effect from the 22nd October 1923.

No. F.-643-23.—In pursuance of proviso (*i*) to sub-section (2) of section 101 of the Government of India Act, the Governor General in Council is pleased to appoint the Honourable Mr. Justice Moti Sagar and the Honourable Mr. Justice Archibald Campbell, I.C.S., to act as Additional Judges of the High Court of Judicature at Lahore for a period of one year, with effect from the 12th October 1923.

C. W. GWYNNE,

Offg. Joint Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 10th October, 1923.

No. 78-I.—*Erratum.*—In the Notification of the Government of India in the Foreign and Political Department, No. 8-I., dated the 13th August 1923, for the words 'Mandi Body Guard,' and 'Mandi Infantry' under the heading 'Mandi,' substitute the words 'Jogendar Cavalry' and 'Jogendar Infantry.'

G. D. OGILVIE,

Offg. Secretary to the Government of India

956 PGG

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 10th October, 1923.

No. G. (Elec.)-1.—The following draft of an amendment to the Indian Electricity Rules, 1922, which it is proposed to make in exercise of the powers conferred by section 37 of the Indian Electricity Act, 1910 (IX of 1910), is published, as required by section 38 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 13th Jan[illegible] 1924.

Any objection or suggestion which may be received from any person in respect of the draft before the date specified will be considered by the Governor General in Council.

Draft Amendments.

In rule 62 of the said rules,—

(*a*) In sub-rule (2) for the words "permanent structure" the words "structure whether permanent or temporary" shall be substituted.

(*b*) For sub-rule (3) the following sub-rule shall be substituted, namely :—

(3) If, at any time subsequent to the erection of an aerial line, any person proposes to make in or upon any building or structure any permanent or temporary addition or alteration which would render the aerial line accessible from the building or structure otherwise than by the aid of a ladder or other special appliance, he shall give notice in writing of his intention to the licensee or owner, as the case may be, and shall not commence work upon the addition or alteration until the licensee or owner has certified that neither during nor after the execution of the work will the aerial line be so accessible. On receipt of such notice the licensee or owner as the case may be shall, without undue delay, so alter the aerial line as to ensure that it will not be accessible, in such a manner as to contravene the provisions of sub-rule (2), either during or after the execution of the work, and may recover the reasonable cost of such alteration from the person from whom the notice was received :

Provided that an Electric Inspector may, if he is satisfied that the aerial line has been so guarded as to secure the protection of persons and property from injury or risk of injury, permit the work to be executed prior to, or, in the case of a temporary addition or alteration without the alteration of the aerial line.

A. H. LEY,

Secretary to the Government of India.

956 PGG—876—26-10-23—SGPP Lahore.

Registered No. L. 864.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 2, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, OCTOBER 20, 1923.

HOME DEPARTMENT.

NOTIFICATION.

Simla, the 18th October 1923.

No. F.-243-23.—The following regulations respecting the examination of candidates for the Indian Civil Service to be held in London in August 1924 are published for general information:—

Copies of these papers may be obtained on application to the Secretary to the Government of India, Home Department.

NOTICE.

The Civil Service Commissioners are authorised by the Secretary of State for India in Council to announce that the new age limits for the Indian Civil Service Open Competition in this country, *viz.*, 21 to 23 on the 1st August of the year of competition, will come into force for the Open Competition to be held in 1925, not in 1924 as previously announced. For the Open Competition to be held in 1924 the age limits will be 21 to 24 on the 1st August of the year of competition, this year (with 1922 and 1923) constituting a transition period from the old to the new age limits.

The probationary course of selected candidates, before proceeding to India, will be extended to two years in the case of all candidates selected on the result of the Open Competition to be held in 1925; and a proportion of the younger candidates selected on the result of the Open Competition to be held in 1924 will also be required to undergo two years' probation in the United Kingdom.

As the scheme and syllabus of the examination as lately revised may be expected to prove well adapted to their purpose under the new age limits it is not intended to make any material change unless experience shows that modification is required; the Regulations are always, however, liable to alteration from year to year.

CIVIL SERVICE COMMISSION,

September 1923.

997 FGO

INDIAN CIVIL SERVICE.

OPEN COMPETITION OF 1924.

An open Competitive Examination for admission to the Indian Civil Service will be held in London in 1924, the written work commencing on the 1st August, while the *viva voce* test (Subject 6) will be held in July.

The number of persons to be selected at this examination will be announced hereafter.

No person will be admitted to compete from whom the Secretary, Civil Service Commission, has not received, on or before the 2nd June, 1924, an application on the prescribed form a copy of which is sent herewith. No allegation that an Application Form or a letter respecting such Form has been lost or delayed in the post will be considered by the Commissioners, unless the person making such allegation produces a Post Office Certificate of Posting. Candidates who delay their applications until the last day will do so at their own risk.

Acknowledgments of such Application Forms are sent, and any candidate who has filled up and returned the printed Application Form but has not received an acknowledgment of it within four complete days should at once write to the Secretary, Civil Service Commission, Burlington Gardens, London, W. 1. Failure to comply with this provision will deprive the candidate of any claim to consideration.

Candidates will be notified in June of the date and place fixed for their *viva voce* test and of the manner in which the fee (£8) is to be paid. The Time Table of the written part of the examination will be posted about the middle of July to the address given on the Form of Application, and will contain instructions as to the time and place at which candidates are to attend.

NOTE.

If Open Competitive Examinations for the following Services, *viz*:—

Eastern Cadetships in the Colonial Service;

Junior Grade of the Administrative Class (Men) in the Home Civil Service;

should be held in 1924 concurrently with the Open Competitive Examination for the Indian Civil Service, candidates duly eligible in respect of age, etc., will be admitted to compete for any two or all three of these Services, subject to the following conditions:—

(1) Every successful candidate who may have been admitted to compete for either the Indian or the Colonial Service (or both), as well as for the Home Service, will be called upon to declare, immediately after the announcement of the result of the competitions, whether he prefers his name to remain on the list of candidates for the Indian or Colonial Service or on the list of candidates for the Home Service.

The name of any candidate who fails to declare his choice when called upon to do so will be removed from the list of candidates for the Home Service.

(2) Every successful candidate who may have been admitted to compete for both the Indian and Colonial Services will be called upon to declare, immediately after the announcement of the result of the competitions, whether he prefers his name to remain on the list of candidates for the Indian Service or on the list of candidates for the Colonial Service.

The name of any candidate who fails to declare his choice when called upon to do so will be removed from the list of candidates for the Colonial Service.

(3) All declarations of choice are irrevocable.

(4) Candidates for all three or any two of the above-mentioned services will be required to pay a consolidated fee of £8.

CIVIL SERVICE COMMISSION.

September, 1923.

July 1923

EXAMINATIONS FOR THE INDIAN CIVIL SERVICE.

REGULATIONS.

****The following Regulations, made by the Secretary of State for India in Council, are liable to alteration from year to year.*

1. An examination for admission to the Indian Civil Service, open to all qualified persons, will be held in London in July and August of each year for such number of appointments to that Service as the Secretary of State may on each occasion determine. The date of the Examination will be announced beforehand by the Civil Service Commissioners.

2. Save as hereinafter provided a candidate must be a British subject. If the candidate (being a British subject) or his father or his mother was not born within His Majesty's Dominions and allegiance then at the time of his birth his father must have been a British subject or the subject of a State in India and such father must be or must have continued to be until his death a British subject or the subject of such State in India. Provided that a ruler or subject of any State in India in respect of whom the Governor-General in Council has made a declaration under section 96A of the Government of India Act, may be considered eligible.

3. A candidate must have attained the age of twenty-one, and must not have attained the age of twenty-four on the first day of August of the year in which the Examination is held.

4. A candidate who is a Native of India must obtain a certificate of age and qualification under Regulations 2 and 3 issued under Notification of the Government of India, No. 1114, dated 12th September, 1918, and signed, should he be a resident in British India, by the Secretary to Government of the Province, or the Commissioner of the Division within which his family resides, or, should he reside in a Native State, by the highest Political Officer accredited to the State in which his family resides.

5. A candidate must be free from disease, constitutional affection, or bodily infirmity, unfitting him, or likely to unfit him, for the Indian Civil Service. †

6. A candidate shall satisfy the Civil Service Commissioners that his character is such as to qualify him for employment in the Indian Civil Service.

7. No person who, in a previous year, accepted the offer of a nomination as a Selected Candidate for the Indian Civil Service and subsequently resigned his position as a Selected Candidate, will be admitted to the examination.

8. Should the evidence upon the above points be *prima facie* satisfactory to the Civil Service Commissioners, the Candidate, on payment of the prescribed fee, will be admitted to the Examination. The Commissioners may, however, in their discretion, at any time prior to the grant of the Certificate of Qualification hereinafter referred to, institute such further inquiries as they may deem necessary; and if the result of such inquiries in the case of any Candidate should be unsatisfactory to them in any of the above respects he will be ineligible for admission to the Indian Civil Service, and, if already selected, will be removed from the position of a Probationer.

9. The Examination will include the following subjects. ‡ The numerical value is shown against each subject.

SECTION A.—Candidates are to take up all the subjects in this section.

		Marks.
1.	ESSAY	100
2.	ENGLISH	100
3.	PRESENT DAY	100
4.	EVERYDAY SCIENCE	100
5.	AUXILIARY LANGUAGE	100
6.	VIVA VOCE	300

SECTION B.—OPTIONAL SUBJECTS.—Candidates are allowed to take up subjects in this section up to a total of 1,000 marks.

HISTORY.

7.	English History to 1660	200
8.	British History, 1660—1914	200
9.	European History, *either* Period 1, or Period 2	200
10.	European History, Period 3	200

† The Civil Service Commissioners will regard no person as constitutionally fitted for appointment to the Indian Civil Service who has not been satisfactorily vaccinated within the last seven years.

‡ A Syllabus defining in general terms the character of the examination in the various subjects is sent herewith.

ECONOMIC, POLITICS, LAW AND PHILOSOPHY.

11.	General Economics	200
12.	Economic History	100
13.	Public Economics	100
14.	Political Theory	100
15.	Political Organization	100
16.	Constitutional Law	100
17.	Private Law	200
18.	Roman Law	100
19.	International Law	100
20.	Moral Philosophy	100
21.	Metaphysics	100
22.	Logic	100
23.	Psychology	100

MATHEMATICS AND SCIENCE.

		200
24.	Lower pure Mathematics	200
25.	Higher pure Mathematics	200
26.	Lower Applied Mathematics	200
27.	Higher Applied Mathematics	200
28.	Astronomy	100
29.	Statistics	200
30.	Lower Chemistry	200
31.	Higher Chemistry	200
32.	Lower Physics	200
33.	Higher Physics	200
34.	Lower Botany	200
35.	Higher Botany	200
36.	Lower Geology	200
37.	Higher Geology	200
38.	Lower Physiology	200
39.	Higher Physiology	200
40.	Lower Zoology	200
41.	Higher Zoology	200
42.	Engineering	400
43.	Geography	400
44.	Physical Anthropology	100
45.	Social Anthropology	100
46.	Agriculture	200
47.	Experimental Psychology	100

LANGUAGES WITH ASSOCIATED CIVILZATIONS.

48.	English literature, Period 1	200
49.	English literature, Period 2	200
50.	Latin Language	200
51.	Roman Civilization	200
52.	Greek Language	200
53.	Greek Civilization	200
54.	French Language	200
55.	French Civilization	200
56.	German Language	200
57.	German Civilization	200
58.	Spanish or Italian Language	200
59.	Spanish or Italian Civilization	200
60.	Russian Language	200
61.	Russian Civilization	200
62.	Arabic Language	200
63.	Arabic Civilzation	200
64.	Persian Language	200
65.	Persian Civilization	200
66.	Sanskrit Language	200
67.	Sanskrit Civilization	200

SECTION C.—An Extra Numerum subject may be offered carrying 100 marks and chosen from the following :—

Physical Anthropology.

Social Anthropology.

An auxiliary language.

10. The auxiliary language in Section A or Section C will be tested by means of translation from the language. The following languages may be offered: French, German,

Italian, Spanish, Portuguese, Dutch, Norwegian, Swedish, Danish, Russian, Latin, Ancient Greek.

No Candidate may offer any language or Physical Anthropology or Social Anthropology twice in the examination.

No Candidate may offer in Sections A and C together two languages of the group Italian, Spanish, Portuguese or two of the group Norwegian, Swedish, Danish.

Only a Candidate who takes two modern languages in Section B may offer Latin or Ancient Greek as an auxiliary language.

Instead of an auxiliary language a candidate whose mother tongue is an Indian language may offer as Subject 5 either Physical Anthropology or Social Anthropology.

11. In subjects 50 to 67 the civilization subject associated with a language can only be taken by candidates who offer the language itself for examination.

12. A Candidate desiring to offer any of the subjects 30 to 42 or subject 47 must produce evidence satisfactory to the Commissioners of laboratory training in an institution of university rank. For Astronomy (28), Geography (43), Physical Anthropology (44), and Agriculture (46), other equivalent training will be required. There will be no laboratory test as part of the examination.

13. From the marks assigned to Candidates in each subject such deduction will be made as the Civil Service Commissioners may deem necessary in order to secure that no credit be allowed for merely superficial knowledge.

14. Moreover, if a Candidate's handwriting is not easily legible a further deduction will, on that account, be made from the total marks otherwise accruing to him.*

15. A list of the competitors shall be made out in order of their proficiency as disclosed by the aggregate marks finally awarded to each competitor, and in that order so many competitors, up to the determined number of appointments, as are found by the Civil Service Commissioners to be qualified by examination, shall be designated to be Selected Candidates for the Indian Civil Service, provided that they appear to be duly qualified in other respects.

Should any Selected Candidate become disqualified, the Secretary of State for India will determine whether the vacancy thus created shall be filled or not. In the former case the Candidate next in order of merit, and in other respects duly qualified, shall be deemed to be a Selected Candidate.

16. Persons desirous to be admitted as Candidates must apply on Forms, which may be obtained from "The Secretary, Civil Service Commission, 6 Burlington Gardens, London, W. 1," at any time after the 1st December, in the year previous to that in which the Examination is to be held. No person will be admitted to the Examination from whom the Secretary to the Civil Service Commissioners has not received on or before the 1st June (or, if that date should fall on a Sunday or public holiday, then, on or before the first day thereafter on which their office is open), in the year in which the Examination is to be held, an application, in the handwriting of the Candidate, on the prescribed form.

*It is notified for general information that the number of marks deducted for bad handwriting may be considerable.

INDIAN CIVIL SERVICE.

Syllabus for the Open Competitive Examination of August, 1924, for appointments in the Indian Civil Service, and for any other competition that may be held in combination therewith.

The competitions to which the same syllabus applies and which may, if required, be held simultaneously are :—

Junior Grade of the Administrative Class (Men) in the Home Civil Service.

Colonial Service : Eastern Cadetships.

Foreign Office and Diplomatic Service.

Consular Services : General, Levant, and Far East.

Note 1.—In view of the importance of legible handwriting in the public service, candidates are warned that the provision as to deductions for bad handwriting in these competitions will be strictly enforced.

Note 2.—Candidates are warned that full marks cannot be obtained on any paper unless the whole of it is answered, or, in cases where the number of questions to be answered is specified, unless the number specified is answered.

Note 3.—Candidates who desire to offer any of the subjects 28, 30—44, 46, or 47 must send to the Secretary of the Civil Service Commission, so as to arrive not later than 2nd June, 1924, the evidence of training prescribed in the Syllabus. Such evidence should be in the form of a certificate signed by a responsible officer of the Institution, and may be sent in advance of the Form of Application. In the case of an Institution not situated in the British Isles, the certificate must state that the Institution in which the work has been done is authorized to prepare candidates in that subject for a degree. When a candidate has been refused permission to take one of these subjects, he will be allowed to substitute another subject within the Regulations provided he does so within the time allowed for sending in Application Forms.

SECTION A.

1. **Essay.**—An Essay to be written on one of several specified subjects.

2. **English.**—A paper of questions to test the understanding of English and the workmanlike use of words. An optional exercise in the writing of verse will be included.

3. **Present Day.**—Questions on contemporary subjects, social, economic, and political. A liberal choice of questions will be given. Effective and skilful exposition will be expected.

4. **Everyday Science.**—In this subject such knowledge will be expected as a candidate will have who has studied science intelligently at school and has since then kept his eyes open. A liberal choice of questions will be given. Attention should be paid to orderly, effective, and exact expression.

5. **Auxiliary Language.**—Passages dealing with history and politics may be set, but no technical matter. Verse is not excluded. Accuracy and skill in the use of English will be expected.

6. **Viva Voce.**—The examination will be in matters of general interest, not in matters of academic interest; it is intended to test the candidate's alertness, intelligence, and intellectual outlook.

SECTION B.

HISTORY. *Subjects* 7-10.—Candidates should know something of the original authorities, of the principles of historical criticism, and of the principles and the facts of geography in relation to history. They must be prepared to draw sketch maps.

7, 8. **English History to 1660,** and **British History 1660-1914.**—The history will be taken as a whole; politics economics, and constitution will be considered as mutually affecting each other, and all together as the outcome of the common life of the nation. Literature will not be excluded. Candidates will be expected to know so much of European history as will make the external action of this country fully intelligible and will explain those movements at home which had their beginnings abroad, *e.g.*, the Renaissance, the Reformation, and the reaction in this country of the French Revolution. In subject 8 the outstanding incidents and movements in the history of British possessions will be included.

9, 10. **European History—Period 1,** from 400 to 1494; **Period 2,** from 1494 to 1763; **Period 3,** from 1763 to 1914.

Although a fixed date is given for the beginning of a period, candidates will be expected to know in general outline how the initial position was reached. The history of the American continent, of India, and of the Far East, will be included in so far as it influences European fortunes in an important degree.

11. **General Economics.**—The subjects will be treated as a whole, and candidates should be prepared to illustrate the theory by the facts and to analyse the facts by the help of the theory. The history of economic thought will be included.

12. **Economic History.**—Candidates will be expected to have a general acquaintance with the early economic history of England; but special attention will be paid to the economic development of the British Isles and other portions of the Empire during the last two or three centuries, and so much knowledge of European and American conditions will be expected as is necessary for the understanding of British economic history.

13. **Public Economics.**—The questions will deal with the main forms of State action central and local, in the economic sphere, together with public finance.

14. **Political Theory.**—Candidates will be expected to show a knowledge of political theory and its history, political theory being understood to mean not only the theory of legislation, but also the general history of the State and its connection with kindred studies such as Ethics, Psychology, Jurisprudence, Public International Law, and Economics. Candidates will be expected to shew a knowledge of original authorities.

15. **Political Organization.**—This will include Constitutional Forms (Representative Government, Federalism, etc.) and Public Administration, central and local. The history of institutions is not included, but candidates will be expected to know the earlier stages from which existing institutions have directly developed.

16. **Constitutional Law.**—The Constitutional Law of the United Kingdom and of the British Empire, and the Law of English Local Government.

17. **Private Law.**—The following branches of English Private Law :—The Law of Real and Personal Property (including the Law of Succession), Contracts, and Torts.

18. **Roman Law.**—Passages will be set for translation and comment, but credit will not be given merely for capacity to translate the texts.

19. **International Law.**—Public International Law and International Relations. Candidates will be expected to show a knowledge of the principal treaties which have affected International relations from 1815 inclusive to the present day.

20. **Moral Philosophy.**—The history of the subject will be included. Candidates will have an opportunity of showing their strength either in Ancient Philosophy or in Modern Philosophy.

21. **Metaphysics.**—*As* for Moral Philosophy.

22. **Logic.**—The subject will be interpreted in a wide sense. Epistemology in its bearing on logical problems will be included, together with Formal Logic and Scientific *Method*. Questions may be set on Mathematical Logic, *i.e.* on the Logic of Mathematics, Symbolic Logic, and the Logic of Probability ; and also on the history of Logic. A considerable choice of questions will be allowed.

23. **Psychology.**— Questions on the history of the subject may be included.

MATHEMATICS. *Subjects* 24—27.—The use of the slide-rule and of mathematical tables will be allowed.

24. **Lower Pure Mathematics.**—Geometry of two and of three dimensions according to Euclid (Synthetic Geometry), to Descartes (Analytical Geometry), and to Monge (Descriptive Geometry, dealing with three-dimensional figures by the use of plan and elevations). Only the main properties of conics and quadrics, including those of poles, polars and polar planes are expected.

Algebra : Complex numbers ; uniformly converging infinite series ; the elements of the theory of equations, including the numerical solution of algebraic equations, but not including the formal solution of the cubic and quartic.

Infinitesimal calculus of real variables to partial differentiation and multiple integrals, with applications to geometry. Candidates should be able to deal with the types of differential equations occurring in elementary mechanics.

The proof of Taylor's series will not be required.

No great skill will be expected in solving complicated problems of an elementary nature. The questions will involve the use of mathematical instruments.

25. **Higher Pure Mathematics.**—The geometry of curves and surfaces.

Elementary analysis including simple functions of a complex variable and contour integration.

Differential equations in one independent variable. Elementary treatment of partial differential equations, with special reference to the differential equations of mathematical physic. Existence theorems are excluded.

Matematical theory of probability, including theory of errors, method of least squares, curve fitting and correlations.

Calculus of finite differences, including numerical integration and summation and linear difference equations.

A considerable choice of questions will be allowed, so that full marks may be obtained by covering about half the range stated above.

26. **Lower Applied Mathematics.**—Statics, hydrostatics, dynamics, elementary theory of electricity and magnetism, including inductions of currents. Questions will be of an elementary character but will not be confined to two dimensions ; they will involve the use of calculus. Candidates are free to use differential equations, but a knowledge thereof will not be necessary to answer the questions. Attention will be paid to problems which arise naturally and to general principles ; artificial problems will be avoided. The questions will involve the use of mathematical instruments.

27. **Higher Applied Mathematics.**—Statics to a more advanced stage, including graphical treatment. Dynamics to the equations of Euler and Lagrange and including the theory of the vibration of strings and other simple systems.

Hydrodynamics, including the elementary theory of the motion of solids through a liquid, surface waves, and vibrations in gases.

Elasticity, including the elements of the vibrations of rods, plates and bars.

Electricity and magnetism.

Thermodynamics, kinetic theory of gases, radiation.

Questions may involve the use of spherical and zonal harmonics. A considerable choice of questions will be allowed, so that full marks may be obtained by covering about half the range stated.

28. **Astronomy.**—Geometrical optics will be included.

A candidate who desires to offer this subject must produce evidence satisfactory to the Civil Service Commissioners of practical training in an observatory.

29. **Statistics.**—1. Elementary theory of statistics, not depending mainly on the theory of probability nor requiring a knowledge of the calculus:—frequency distributions, averages, precentiles, and simple methods of measuring dispersion; graphic methods; elementary treatment of qualitative data, *e.g.*, investigation of association by comparison of ratios, consistency of data; the practice of the simplest graphic and algebraic methods of interpolation.

2. Practical methods used in the analysis and interpretation of statistics of prices, wages and incomes, trade, transport, production and consumption, education, &c.; the more elementary methods of dealing with population and vital statistics; miscellaneous methods used in handling statistics of experiments or observations.

3. Elements of modern mathematical theory of statistics:—frequency curves and the mathematical representation of groups generally; accuracy of sampling as affecting averages, percentages, the standard deviation; significance of observed differences between averages of groups, &c.; the theory of correlation for two variables.

A considerable choice of questions will be given, especially as to paragraph 2, and it will be possible for candidate without advanced mathematical knowledge to obtain full marks by answering questions under paragraphs 1 and 2.

NATURAL SCIENCE. *Subjects* 30—41.—The standard of the higher division of a science will be that which is required in the main subject for an honours degree at the universities. The standard for the lower division of a science will be that required in a subject subsidiary to the main subject whether required that the final degree examination or at a preceding examination.

A candidate who desires to offer a science must produce evidence satisfactory to the Civil Service Commissioners of laboratory training in that science in an institution of university rank; the length of such training must be at least two academic years for the higher division of a science and at least one academic year for the lower division.

34. **Lower Botany.**
35. **Higher Botany.** } Vegetable Physiology will be included in each division.

36. **Lower Geology.**
37. **Higher Geology.** } Mineralogy will be included in each division.

42. **Engineering.**—Strength of materials; theory of structures; mechanism and dynamics of machines; heat and thermodynamics surveying; hydraulics, including hydraulic machines; electricity and magnetism.

The subject will be treated in a general manner and the questions will be confined to the more elementary parts of the subject. The candidates will be expect to be familiar with graphical methods and to have some skill in mechanical drawing.

A candidate who desires to offer Engineering must produce evidence satisfactory to the Civil Service Commissioners that he has undergone a course of training for at least one academic year in an institution of university rank.

43. **Geography.**—Geography as understood in the universties, not excluding topics which concern geography jointly with other subjects such as economics, history, physics, botany, and geology. There will be a practical test which will necessitate a knowledge of cartographical methods and notations, and for this test drawing instruments may be required.

A candidate who desires to offer this subject must produce evidence satisfactory to the Civil Service Commissoners of training for at least one academic year in an institution of university rank.

44. **Physical Anthropology.**—Physical Anthropology, Prehistoric Archæology and Technology. Candidates will be expected to have such knowledge as may be acquired by

laboratory and museum work, consisting mainly in the handling and study of specimens and exhibits. The subject will be treated with special, but not exclusive, reference to peoples of rude culture, including prehistoric civilization.

A candidate who desires to offer this subject must produce evidence satisfactory to the Civil Service Commissioners that he has undergone a course of training in an institution of university rank.

45. **Social Anthropology**.—Candidates will not be expected to have an extensive experience of laboratory and museum work. The subject will be treated with special, but not exclusive, reference to peoples of rude culture, including prehistoric civilization.

46. **Agriculture**.—Agricultural chemistry, agricultural botany, and agricultural Zoology will be included.

A candidate who desires to offer this subject must produce evidence satisfactory to the Civil Service Commissioners that he has undergone a course of training in an approved institution.

47. **Experimental Psychology**.—A candidate who desires to offer this subject must produce evidence satisfactory to the Civil Service Commissioners that he has undergone a course of laboratory training in an institution of university rank.

48, 49. **English Literature.—Period 1,** from 1350 to 1700; **Period 2,** from 1660 to 1914.

Candidates should be prepared to show a first-hand knowledge of some of the works of the following authors and of their place in the history of their country.

PERIOD 1.

Chaucer	Bacon
Malory	Milton
Spenser	Bunyan
Shakespeare	

PERIOD 2.

Dryden	Fielding	Scott	Keats
Congreve	Johnson	Jane Austen	Dickens
Defoe	Burke	Wordsworth	Carlyle
Swift	Goldsmith	Coleridge	Tennyson
Addison	Burns	Shelley	Browning
Pope			

Questions on other writers will not be excluded, but, on the whole, the questions will be directed to the best-known authors and their best-known works. Candidates should know so much of the history as is necessary to understand the literature in its relation to other activities of the nation.

Questions will not be set on the history of the language before Chaucer, nor, in general, on its morphological or phonological changes since his time; the history of workmanship, style, and prosody will not be excluded.

LANGUAGES WITH HISTORY AND LITERATURE.—*Subjects* 50-67.—In these the civilization subject associated with a language can only be taken by candidates who also offer themselves for examination in the language itself.

History and Literature will, as far as possible, be brought into close relation. In History, candidates will be expected to show a knowledge of the original authorities. They must also be prepared to answer questions on Historical Geography, and to draw sketch maps. The questions on Literature will require first-hand knowledge of the authors; and the authors dealt with will be those which candidates ought to have read. Passages of Literature may be set for comment on matters of social, political, legal, or other historical importance. Questions on Philology and the older forms of the languages may be set, but will not be compulsory. In the question papers on History and Literature candidates will not be required to write their answers in the foreign language.

In the conversation test importance is attached to pronunciation. The study of phonetics is an important aid to correctness of pronunciation, and candidates who take modern languages will be expected to have studied phonetics in connection with the language or languages taken.

50. **Latin Language**.—Translation, and prose or verse composition. The composition paper will be so arranged that a candidate may confine himself to prose composition or to verse composition or, if he prefers, may take some prose and some verse.

51. **Roman Civilization**.—Roman History and Latin Literature. The outlines of the history and development down to 180 A.D. should be known; but the main stress will be laid on the period 133 B.C. to 117 A.D.

52. **Greek Language**.—As for Latin.

53. **Greek Civilization**.—Greek History and Literature. In history the main stress will be on the period 510-B.C. to 323 B.C.

54. **French Language**.—Translation, free composition, set composition, and conversation.

55. **French Civilization**.—French History and Literature. The outlines of the history and development prior to 1589 should be known; the period from 1589 to 1660 in somewhat more detail; but the main stress will be on the period from 1660 to the present day.

56. **German Language**.—As for French.

57. **German Civilization**.—German History and Literature. Candidates should know in outline the history of the Medieval Empire, of the growth of the German cities, of the Reformation in Germany, and of the Thirty Years War; but the main stress will be on the period from the accession of Frederick the Great to the present day.

58. **Spanish, Italian, Language**.—As for French.

59. **Spanish Civilization**.—Spanish History and Literature. In history the main stress will be laid on the periods from the Union of Castile and Aragon under Ferdinand and Isabella to the liberation of the Netherlands, and again from 1800 to the present day.

Italian Civilization.—Italian History and Literature. In history the main stress will be on the 15th century and the first half of the 16th century, and again on the period from 1789 to the present day. Sufficient should be known of the earlier period to understand the position of the Pope and the Emperor in Italy, the rise of the towns, and the position of Dante in history.

60. **Russian Language**.—As for French.

61. **Russian Civilization**.—Russian History and Literature. Something should be known of the history since the accession of Peter the Great, but the main stress will be laid on the period from 1800 to the present day. Only the broadest outlines of the history prior to Peter the Great will be required.

62. **Arabic Language**.—Translation, free composition, set composition, conversation. The examination will be in the modern language.

63. **Arabic Civilization**.—Arabic History and Literature. The main stress in both history and literature will be on the period from the middle of the 6th century A.D. to the middle of the 13th century A.D.

64. **Persian Language**.—Translation, free composition, set composition, conversation. The examination will be in the modern language.

65. **Persian Civilization**.—Persian History and Literature. The main stress in both history and literature will be laid on the period 1000 A.D. to 1500 A.D. Candidates will be expected to have a general knowledge of the history of Persia before 1000 A.D. and from 1500 A.D. to the present time.

The following applies only to candidates for the Indian Civil service :—

66. **Sanskrit Language**.—Translation, prose composition, and question on Vedic and Sanskrit grammar. Both Vedic and classical Sanskrit passages will be set for translation; composition will be required in classical Sanskrit alone.

67. **Sanskrit Civilization**.—Sanskrit literature and the history of the civilization and thought of India from the Vedic period to A.D. 1200.

CIVIL SERVICE COMMISSION.

August 1923.

Admin. (Early Edition) **Write your Surname here** ______________

APPLICATION FORM

For the use of men seeking admission to the concurrent open competitive examinations to be held in London in July and August, 1924, for appointment to services of the Administrative Group, namely :—

Home Civil Service : Administrative Class.

Indian Civil Service.

Colonial Service : Eastern Cadetships.

NOTE 1.—Candidates may include any or all of these three Services in their application (see paragraph 3 below), provided they are eligible in all respects under the regulations; but it should be understood that the only competition as yet announced as certain to be required in 1924 is that for the Indian Civil Service, the regulations for which are enclosed herewith.

The question of holding an Open Competitive Examination in 1924 for situations in the Junior Grade of the Administrative Class in the Home Civil Service will be considered in due course, and no announcement in the matter can be made; candidates who include the Home Civil Service in any application they may make on this form should clearly understand that it may eventually be decided that no examination for this Service is required in 1924.

The regulations for the Home and Colonial Services will be ready in April, 1924; and an announcement will be made then (if not before) whether competitions for these Services will be required in 1924.

NOTE 2.—This form is to be filled up and returned to the Secretary (C. Room 19), Civil Service Commission, 6, Burlington Gardens, London, W. 1, in time for delivery on or before *June 2nd, 1924. No application Form received after that date will be accepted.*

If a candidate who fills up and returns this Application Form does not receive an acknowledgment of it within a reasonable time he should inform the Secretary of the Civil Service Commission.

NOTE 3.—The candidate should by consulting the regulations satisfy himself of his eligibility for the services for which he makes application, and that his selection of subjects conforms with the regulations. No scrutiny of the information which he gives on this sheet is made by the Commissioners before the examination.

NOTE 4.—Should any of the particulars furnished be found to be false within the knowledge of the candidate, he will, if appointed, be liable to be dismissed; and if otherwise entitled to Superannuation Allowance or Gratuity he will forfeit all claims thereto. The wilful suppression of any material fact will be similarly penalised.

1. Write your name in full, surname first ...	
2. Postal Address (in full) ... ... (Any change of address should be at once communicated.)	
3. Name the Service or Services for which you desire to be considered (*see page 4*).	
4. Date of birth (*see page 4*) ... ... Give place of birth, and state whether a natural born British subject.	Age last birthday.
5. Father's Name ... ... " Address ... ... " Profession or Trade ... ... Give place of Father's birth and his nationality at birth. (*If deceased give the last address, profession, etc.*) Give place of Mother's birth and her nationality at birth. (This question is intended only for candidates for Eastern Cadetships.)	
6. Are you of pure European or pure Ceylonese descent, or of mixed European and Ceylonese descent? If so, state which	

7. Name, in order, the School you have attended since the age of 12, giving addresses with dates of entering and leaving.

8. Have you been on any former occasion examined by the Civil Service Commissioners? If so, state when, and for what appointment.

9. Age on finally quitting School ...

10. Have you been a student at any University? If so, name it, and give the dates of entering and leaving. State any degrees, honours or prizes you have obtained. Name your College.

11. Give the name of your College Tutor, or of the Professor or other University Authority to whom reference can be made as to your conduct.

12. Have you had any special preparation for examinations for these situations? If so, state (1) where and by whom it was given, (2) the dates of the beginning and end of each period, (3) whether it was whole-time or part-time work, and if part-time what part of your time of study it occupied, (4) whether it took place by day or in the evening.

13. Have you served in the Naval, Military or Air Forces?

If so, state your Rank (or Rating) and Official Number, if any ... ...

Corps, Regiment or other Unit ...

Dates of Service ... ...

Did you serve abroad or at sea in the War which began in August 1914?

If you have served, state your medical category on demobilisation.

Or

If you were discharged on account of physical unfitness for further service, state the cause of discharge, so far as known to you; say whether you are in receipt of a disability pension, and, is so, the percentage of disability at which you are assessed.

14. If your time since leaving School is not fully accounted for by replies given above, account for the remainder here, with dates.

If you have had employers, state their names and addresses in full.

15. Give the names, professions, and *present* addresses (in full) of two referees, who should be responsible persons (not relations), well acquainted with you in private life, and unconnected with your School or College.	1 2
16. Are you free from pecuniary embarrassments? If you are under liability to repay money advanced by an institution or party for your education, state the particulars.	
17. Signature and date.	

ADMINISTRATIVE GROUP COMPETITION, 1924.

Selection of Subjects.

1. For which Service or services are you a candidate?
2. What auxiliary language or substitute for an auxiliary language do you select under subject 5?
3. Is your mother tongue an Indian language? If so, name it.
4. What Extra Numerum subject do you select?
5. Do you select any of the subjects for which evidence of training is required? If so, pin the necessary vouchers to this form, stating here the subjects to which each voucher applies.
6. In the following list place your initials against the optional subjects you choose from Section B. If you are a candidate for more than one Service and you wish to offer different subjects for different Services, append a statement showing to which Service your selection applies, and the variations you desire for other Services.

Initials.	No.	Subject
....	7.	English History to 1660
....	8.	British History, 1660-1914
....	9.	*Either* European History, Period 1
....		*or* European History, Period 2
....	10.	European History, Period 3
....	11.	General Economics
....	12.	Economic History
....	13.	Public Economics
....	14.	Political Theory
....	15.	Political Organization
....	16.	Constitutional Law
....	17.	Private Law
....	18.	Roman Law
....	19.	International Law
....	20.	Moral Philosophy
....	21.	Metaphysics
....	22.	Logic
....	23.	Psychology
....	24.	Lower Pure Mathematics
....	25.	Higher Pure Mathematics
....	26.	Lower Applied Mathematics
....	27.	Higher Applied Mathematics
....	28.	Astronomy
....	29.	Statistics
....	30.	Lower Chemistry
....	31.	Higher Chemistry
....	32.	Lower Physics
....	33.	Higher Physics
....	34.	Lower Botany
....	35.	Higher Botany
....	36.	Lower Geology
....	37.	Higher Geology

Initials.	No.	Subject
....	38.	Lower Pyhsiology
....	39.	Higher Physiology
....	40.	Lower Zoology
....	41.	Higher Zoology
....	42.	Engineering
....	43.	Geography
....	44.	Pyhsical Anthropology
....	45.	Social Anthropology
....	46.	Agriculture
....	47.	Experimental Psychology
....	48.	English literature, Period 1
....	49.	English literature, Period 2
....	50.	Latin Language
....	51.	Roman Civilization
....	52.	Greek Language
....	53.	Greek Civilization
....	54.	French Language
....	55.	French Civilization
....	56.	German Language
....	57.	German Civilization
....	58.	Either Spanish } Language
....		or Italian } Language
....	59.	Either Spanish } Civilization
....		or Italian } Civilization
....	60.	Russian Language
....	61.	Russian Civilizatian
....	62.	Arabic Language
....	63.	Arabic Civilization
....	64.	Persian Language
....	65.	Persian Civilization
....	66.	Sanskrit Language
....	67.	Sanskrit Civilization

Signature....................................

Medical examination : choice among Services.

Immediately the results of the examination are known, each successful Candidate will be summoned to attend at the Civil Service Commission to be medically examined and to state his choice among the Services open to him and among the various Departments, Provinces or Colonies. That statement of choice is irrevocable.

Evidence of Age.

A candidate born in the United Kingdom must not send in his birth certificate with this form but must be prepared to produce it when required.

A European or Anglo-Indian who was born in India must be prepared to produce when required a certificate of baptism from the district in which he was baptized. If this does not also mention the date of birth it must be accompanied by a statutory declaration by one of the Candidate's parents, stating the date and place of birth.

An Indian born in India must send in with this form a certificate under Government of India Notification No. 1114 of 12th September 1918. If the candidate's family is resident in British India the certificate must be signed by the Secretary to the Government of their province or by the Commissioner of their Division. If they reside in an Indian State it must be signed by the highest political officer accredited to that State.

Fee.

Fees are *not* to be forwarded by Candidates. Instructions respecting the manner of payment of the fee prescribed (£8), and respecting the time and place of the examination, will be sent to Candidates before examination.

EXAMINATIONS FOR THE INDIAN CIVIL SERVICE

Regulations made under sections 97 (1) and (2) of the Government of India Act for the probation in the United Kingdom and the further examination of Selected Candidates for the Indian Civil Service recruited by Competitive Examinations held in the United Kingdom or in India.

*** *The following regulations made by the Secretary of State for India in Council, are liable to alteration from year to year.*

(1) Candidates selected at the Open Competition held in London will be required to remain in the United Kingdom on probation for one or two years as may be decided by the Secretary of State for India in Council.

(2) Candidates selected as the Competitive Examination held in India will be required to proceed to the United Kingdom on probation for a period of two years.

ONE-YEAR PROBATIONERS.

(3) One year probationers will, at the end of the year of probation, undergo an examination called the Final Examination. The compulsory subjects and the marks allotted to them are as follows*:—

	Marks.		Marks.
1. Indian Penal Code	200	5. The principal vernacular language of the province to which the candidate is assigned	600
2. Code of Criminal Procedure	200	6. Riding	200
3. The Indian Evidence Act	200		
4. Indian History	400		

An Indian assigned to Madras whose mother-tongue is one of the two principal vernacular languages of the province must offer the other for examination. An Indian assigned elsewhere whose mother-tongue is the principal vernacular language of the province to which he is assigned must substitute British History in place of the vernacular language; in such cases 600 marks will be allotted to British History.

(4) One-year probationers may, in addition, offer in the Final Examination one of the following optional subjects :—

	Marks.
Hindu and Muhammadan Law	400
A Classical Language allowed under Regulation 9	400

No candidate who offered Sanskrit or Arabic at the Open Competition may offer the same language at the Final Examination.

TWO-YEAR PROBATIONERS.

(5) Two-year probationers will, during their period of probation undergo two examinations, the Intermediate Examination at the end of the first year and the Final Examination at the end of the second year.

(6) The subjects of the Intermediate Examination and the marks allotted to them are as follows, all the subjects being compulsory* :—

	Marks.		Marks.
1. The principal vernacular language of the province to which the candidate is assigned	400	4. Law of Evidence and Criminal Law	200
2. Phonetics	200	5. Indian History	200
3. Jurisprudence	200	6. Notes of cases	200
		7. Economics	200

An Indian assigned to Madras whose mother tongue is one of the two principal vernacular languages of the province must offer the other for examination. An Indian assigned elsewhere whose mother-tongue is the principal vernacular of the province to which he is assigned must substitute British History in place of the vernacular language and Phonetics (subjects 1 and 2) ; in such cases 600 marks will be allotted to British History.

(7) The compulsory subjects of the Final Examination and the marks allotted to them are :—

	Marks.		Marks.
1. The vernacular	600	5. Notes of Cases	400
2. Indian Penal Code	200	6. Indian History	400
3. Code of Criminal Procedure ...	200	7. Economics	400
4. Indian Evidence Act	200	8. Riding	200

An Indian assigned to Madras whose mother-tongue is one of the two principal vernaculars of the province must offer the other for examination. An Indian assigned elsewhere whose mother-tongue is the principal vernacular language of his province must substitute European History in place of the vernacular language ; in such cases 600 marks will be allotted to European History.

(8) In addition a probationer may offer as an optional subject at the Final Examination either a classical language allowed under rule 9 or Hindu and Muhammadan Law. To the optional subject 400 marks are allotted.

ONE-YEAR AND TWO-YEAR PROBATIONERS.

(9) The principal vernaculars prescribed and the optional classical languages allowed for the various provinces are as follows :—

Province.	*Vernacular.*	*Classical language.*
Madras	Tamil or Telugu	Sanskrit
Bombay	Marathi	Persian or Sanskrit.
Bengal	Bengali	Sanskrit.
United Provinces	Urdu	Arabic or Persian or Sanskrit.
Punjab	Urdu	Persian.
Burma	Burmese	Pali.
Bihar and Orissa	Hindi	Arabic or Persian or Sanskrit.
Central Provinces	Hindi	Sanskrit.
Assam	Bengali	Sanskrit.

(10) Candidates who at the final Examination in riding satisfy the Commissioners that they are sufficiently at home in the saddle for the efficient performance of any duties required of members of the Indian Civil Service will be awarded marks ranging between 101 and 200 according to the degree of proficiency displayed.

Candidates who fall short of this adequate proficiency but show such minimum proficiency as is evidence that with a moderate amount of practice they can attain full proficiency, will receive marks ranging between 1 and 100; they will be allowed to proceed to India and will on their arrival there be subjected to such further tests in riding as may be prescribed by their Local Government, and shall receive no increase to their initial salary until they have passed such tests to the satisfaction of that Government.

A candidate who fails at the end of the period of probation to satisfy the Civil Service Commissioners that he has reached the minimum standard of proficiency in riding will be liable to have his name removed from the list of selected candidates.

Selected candidates will also be examined in riding at such time or times as the Commissioners may appoint during the course of the probationary period.

(11) Such reductions as the Civil Service Commissioners may consider necessary will be made from the marks assigned to candidates at the Intermediate and Final Examinations in order to secure that no credit is allowed for merely superficial knowledge.

* Instructions, showing the extent of the Examination, will be issued to selected Candidates as soon as possible after the result of the competition is declared.

(12) The Civil Service Commissioners will prepare lists of the candidates in order of merit; the order for the one year probationers being based on the sum of the marks obtained by the Candidates at the Open Competitive and Final Examinations, the order for the two-year probationers being based on the sum of the marks obtained by the candidates at the Intermediate and Final Examinations.

(13) The selected candidates whose performance in the compulsory subjects of the prescribed Examinations, namely, the Final Examination for one-year men and the Intermediate and Final Examinations for two-year men, is such as to satisfy the Civil Service Commissioners, and who have also satisfied the Commissioners of their eligibility in respect of nationality, age, health, character, and conduct during the period of probation, shall be certified by the Commissioners to be entitled to be appointed to the Indian Civil Service, provided that they shall comply with the regulations in force, at the time, for that service.

(14) If any Candidate is prevented by sickness or any other adequate cause from attending the Final Examination, the Commissioners may, with the concurrence of the Secretary of State for India in Council, allow him to appear at the Final Examination to be held in the following year, or at a special examination. A selected candidate absent for such adequate cause from the Intermediate Examination may, under similar conditions, be allowed to appear at the Intermediate Examination a year later or at a special examination, or may be excused the Intermediate Examination and allowed to appear for the Final Examination in regular course.

The Civil Service Commissioners are authorized by the Secretary of State for India in Council to make the following announcements:—

(*i*) Selected candidates will be allotted to the various provinces upon a consideration of all the circumstances, including their own wishes; but the requirements of the Public Service will rank before every other consideration.

(*ii*) Except in the case of persons continuing to receive Scholarship allowances of equal or greater amounts from the Government of India an allowance of £300 a year, or, in the case of Selected Candidates possessing an Indian domicile, an allowance of £350 a year will be given to any candidate who passes his probation at one of the Universities or other Institutions that have been approved for the purpose by the Secretary of State for India in Council.

In the case of Selected Candidates on probation for one year the allowance will be payable in four equal instalments on the following dates respectively:—December 24th after his selection, March 25th, June 25th and after signature of Covenant on appointment to the Service.

In the case of Selected Candidates on probation for two years the allowance will be payable in eight equal instalments, the first on the December 24th after selection, the second to the seventh on the six following quarter days and the eighth after signature of Covenant on appointment to the Service.

The payment of the various instalments of the allowance except the final instalment, and, in the case of the two year probationers, the instalment payable at the end of the first year of probation, will be conditional on the receipt by the Secretary of State through the Civil Service Commissioners of a certificate that the candidate has fulfilled up to date the requirements of the authorities and shown satisfactory conduct at the approved institution.

The whole probation must ordinarily be passed at the same Institution. Migration will not be permitted except for special reasons approved by the Secretary of State.

N.B.—The Secretary of State for India gives notice that the amount of the allowances will be reconsidered in 1924, with a view to a possible reduction with effect from the instalment payable in December 1925.

(*iii*) A 1st Class passage to India will be engaged for Selected Candidates with a view to their proceeding to India during the November following their Final Examination.

(*iv*) Each Candidate will be required before receiving the first instalment of his allowance to execute an agreement binding himself and one surety jointly and severally to refund all monies he may have received from the Secretary of State for India in the event of:—

(1) his failure to pass the Final Examination within the time prescribed by the Regulations, and to satisfy the Civil Service Commissioners of his fitness for admission to the Indian Civil Service, or

(2) his subsequent failure to execute the usual covenant, and to proceed to India, as and when he shall be directed by the Secretary of State for India.

(*v*) All candidates obtaining Certificates will be also required to enter into covenants, by which, amongst other things, they will bind themselves to make such payments as under the rules and regulations for the time being in force they may be required to make for the pensions of their families. The stamps payable on these covenants amount to £1.

(*vi*) The seniority in the I.C.S. will be determined by the results of the examinations taken and reports on law cases submitted during the course of probation.

(*vii*) Candidates who fail to satisfy the Civil Service Commissioners at the Final Examination held in any year will be definitely rejected, and will not be allowed to present themselves for re-examination, unless it shall appear to the Secretary of State in Council, after reference to the Civil Service Commissioners, that such failure is due to circumstances wholly exceptional and beyond the control of the candidate.

(*viii*) "Overseas pay" will not be admissible to Indian Members of the Indian Civil Service selected at Open Competitive Examinations held in London in 1925 and subsequent years.

Civil Service Commission,

September, 1923.

G. H. W. DAVIES,

for *Secretary to Government of India.*

FINANCE DEPARTMENT.

NOTIFICATION.

LEAVE AND APPOINTMENTS.

Simla, the 18th October, 1923.

No. 2523-F. E.—Mr. J. F. Mitchell, I.C.S., an Officer under training in the office of the Accountant-General, United Provinces, has been granted leave on average pay for six weeks (including privilege leave for one month and 10 days) with effect from the 1st October 1923.

A. C. McWATTERS,
Secretary to the Government of India.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.
HEALTH.

Simla, the 17th October, 1923.

No. 821.—In exercise of the powers conferred by section 3 of the Municipal Taxation Act, 1881 (XI of 1881), and in supersession of the notification of the Government of India in the Home Department No. 162, dated the 18th November 1881, the Governor General in Council is pleased to prohibit the levy by any municipal committee upon any person subject to the Army Act, or to the Indian Army Act, 1911, who is compelled by the exigencies of military duty to reside within the limits of a municipality, of taxes of the following kinds, namely :—

(1) Municipal taxes on salaries.
(2) Municipal taxes on professions, trades, callings, offices or appointments.
(3) Municipal taxes on animals or vehicles in respect of such animals or vehicles as such person is required by the regulations of the service to which he belongs to keep.

M. S. D. BUTLER,
Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE " GAZETTE OF INDIA ", OCTOBER 20, 1923.

No. F.-312-23-Ests.
GOVERNMENT OF INDIA.
HOME DEPARTMENT.
Simla, the 12th October, 1923.
RESOLUTION.

The undermentioned gentlemen, who have been appointed to the Indian Civil Service by nomination under the Indian Civil Service (Temporary Provisions) Act, 1915, are, under the orders of the Governor General in Council, allotted to the provinces shown against their names :—

Captain H. Tufnell-Barrett	Bengal.
Captain E. S. Simpson	Bengal.
Captain H. R. G. Johnston	United Provinces.
Lieutenant E. A. R. Eustace	Punjab.
Lieutenant E. C. Marten	Punjab.
Captain R. P. Abigail	Burma.
Captain R. K. Harper	Burma.
Lieutenant T. L. Hughes	Burma.
Lieutenant P. G. Bree	Central Provinces.
Captain J. Miles Stapylton	Central Provinces.

2. The Governor General in Council is further pleased to direct that on arrival at Bombay, the gentlemen allotted to Bengal, the United Provinces, the Punjab and the Central Provinces shall ascertain from the Resident Under Secretary to the Government of Bombay

whether any orders as to their destination await them. In the absence of any such orders, the gentlemen allotted to Bengal should proceed to Calcutta and report themselves to the Chief Secretary to the Government of Bengal. Similarly Captain Johnston and the gentlemen allotted to the Punjab and the Central Provinces should proceed respectively to Allahabad, Lahore and Nagpur and report themselves to the Chief Secretaries to the local Governments concerned.

3. The gentlemen allotted to Burma should, on arrival at Rangoon, report themselves to the Chief Secretary to the Government of Burma.

ORDER.—Ordered that a copy of this Resolution be forwarded to the local Governments concerned for information and guidance. Also that the Resolution be published in the Supplement to the *Gazette of India* and that a copy be forwarded to each of the gentlemen mentioned therein.

G. H. W. DAVIES,

for *Secretary to the Government of India.*

997 PGG—806—2-11-23—SGPP Lahore.

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PUNJAB AND ITS DEPENDENCIES.

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LAHORE, FRIDAY, NOVEMBER 9, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, OCTOBER, 27, 1923.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 27th October 1923.

No. 237.—In exercise of the powers conferred by rule 15 of the Legislative Assembly Electoral Rules, the Governor-General in Council is pleased to direct that the following amendment shall be made in the Regulations published with the Notification of the Government of India in the Legislative Department No. 128, dated the 5th July 1923, namely :—

In Regulation 7 for the word "Gazette" the words "Local Official Gazette" shall be substituted.

L. GRAHAM,

Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.

POLICE.

Simla, the 24th October 1923.

No. F.-21-XIV-23.—In exercise of the powers conferred by clause (*b*) of section 27 of the Indian Arms Act, 1878 (XI of 1878), the Governor-General in Council is pleased to cancel the notification of the Government of India in the Home Department No. F.-21-XIV-23-Police, dated the 8th May 1923.

PUBLIC.

The 22nd October 1923.

No. D.-4756-23.—In exercise of the powers conferred by section 39, sub-section (1) of the Government of India Act, the Governor-General in Council is pleased to direct that the Governor-General's Executive Council shall assemble at Delhi.

C. W. GWYNNE,

Offg. Joint Secretary to the Government of India.

1040 PGG

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 24th October 1923.

No. 97-E.—The following resolution, dated 19th June 1923, made by the Secretary of State for India in Council under section 96B (2) of the Government of India Act, is published for general information :—

Resolution.

In exercise of the powers conferred by Section 96B (2) of the Government of India Act, the Secretary of State in Council, with the concurrence of the majority of votes at a meeting of the Council held this 19th day of June 1923, hereby makes the following rules regarding the pay and pensions of Provincial Civil Service Officers selected for permanent employment in the Political Department of the Government of India :—

Emoluments of members of the Provincial Civil Services who are appointed to the Political Department of the Government of India.

1. The initial pay of a Provincial Service Officer who is appointed substantively to a post classed as "superior" in the Political Department of the Government of India shall be fixed on the time-scale of the Political Department at a point which will represent Rs. 300 a month more than the pay last enjoyed by him in the regular line of the Provincial Civil Service, subject to a minimum of Rs. 1,000 a month and shall be increased by the annual increments provided for in the time-scale as they fall due ; Provided that a Provincial Service Officer shall not draw pay higher than that to which an officer of the Indian Civil Service of the same number of years' service would be entitled, when holding a superior post, exclusive of the personal allowance sanctioned for officers of the Indian Civil Service.

2. The pay of a Provincial Service Officer who is appointed to a post in the Political Department of the Government of India which is not classed as "superior" shall be regulated by Fundamental Rule 22.

3. These rules shall have effect from 19th June 1923.

Grant of special additional pension to officers of the Provincial Civil Services promoted to the Political Department of the Government of India.

1. Officers of the Provincial Civil Services who have been promoted to the Political Department of the Government of India shall be entitled on retirement, in addition to the maximum pensions of Rs. 6,000 a year for which they are eligible as members of the Provincial Civil Service :—

(a) to a special additional pension of Rs. 300 a year if they have held any post classed as superior in the Political Department, and

(b) to a special additional pension of Rs. 500 a year if they have held a post of Resident of the 1st or 2nd class.

These rules shall have effect from 2nd September 1921.

G. D. OGILVIE,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, NOVEMBER 3, 1923.

OFFICE OF THE MILITARY SECRETARY TO THE VICEROY.

NOTIFICATION.

Delhi, the 1st November 1923.

No. 5100-M.—His Excellency the Viceroy and Governor-General of India will leave Delhi by special train on the afternoon of Friday, the 9th November. His Excellency's departure will be private.

The Viceroy will visit Udaipur and return to Delhi on the morning of Wednesday' the 14th November. His Excellency's arrival at Delhi will be private.

The party accompanying His Excellency the Viceroy will be :—

Her Excellency the Countess of Reading, C.I., G.B.E.

The Hon'ble Major G. D. Ogilvie, Political Secretary.

Sir Geoffrey deMontmorency, K.C.V.O., C.I.E., C.B.E., I.C.S., Private Secretary.

Colonel R. B. Worgan, C.S.I., C.V.O., D.S.O., Military Secretary.

Lt.-Colonel T. J. Carey Evans, M.C., I.M.S., Surgeon.

Captain R. Burton, A. D.-C.

Captain C. M. W. Noel-Hill, A.-D.-C.

Captain H. L. Mostyn-Owen, A.-D.-C.

All communications of an *urgent* nature intended to reach His Excellency and party during the tour should be addressed to "Viceroy's Camp," without the addition of any post-town.

By Command,

R. B. WORGAN, *Colonel*,

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATIONS.

JAILS.

Simla, the 30th October 1923.

No. F.-503—22.—In exercise of the powers conferred by clauses (6) and (7) of section 46 of the Prisons Act, 1894 (IX of 1894), the Governor-General in Council is pleased to direct that the following amendments shall be made in the rules published in Appendix I to the resolution of the Government of India in the Home Department No. $\frac{12\text{-Jails,}}{500-510}$, dated the 31st August 1896, namely :—

1. In part II of the said Appendix, in rule 2—

(1) for clause (*c*) the following shall be substituted, namely :—

"(*c*) by attaching the handcuffs affixed on the prisoner's wrists to a staple in front of the prisoner by day for not more than four consecutive days and for not more than six hours on each day with an interval of at least one hour after the handcuffs have been so attached for three hours ;" and

(2) after the existing proviso, the following provisos shall be inserted, namely :—

"Provided further that the punishment referred to in clause (*c*) shall not be executed until the prisoner to whom the punishment has been awarded has been examined by the medical officer and pronounced to be fit to undergo the punishment ;

Provided also that this punishment shall be restricted to cases where the prisoner has been guilty of repeated and wilful violations of any prison rule, and where, in fact, his conduct is evidently due to contumacy."

2. In Part III of the said Appendix, in rule 2, for the words "twelve months" in clause (*a*) and for the words "six months" in clause (*b*) the words "three months" shall be substituted.

No. F.-503-1—22.—In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (IX of 1894), the Governor-General in Council is pleased to direct that the following amendments shall be made in the rules published in Appendix II to the resolution of the Government of India in the Home Department No. $\frac{12\text{-Jails}}{500-510}$, dated the 31st August 1896, namely :—

In Part I of the said Appendix—

(1) for item (1) the following shall be substituted, namely :—

"(1) Talking when at file or at unlocking or at latrine, bathing or other parades, or at any time when ordered by an officer of the prison to desist, and singing, loud laughing and loud talking at any time ;"

(2) in item (4) the word "official" shall be omitted ;

(3) in item (6) for the words "an official visitor" the words "a visitor" shall be substituted ;

(4) for item 25 the following shall be substituted, namely :—

"25. Omitting or refusing to keep clean his clothing, blankets, bedding, fetters, iron cups or platters or other neck-ticket or identification token, or disobeying any order as to the arrangement or disposition of such articles ;".

No. F.-503-2-22.—In exercise of the powers conferred by clause (5) of section 59 of the Prisons Act, 1894 (IX of 1894), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the rules published with the Resolution of the Government of India in the Home Department No. 161-172, dated the 25th June 1908, as amended by the rules contained in the Appendix to the Home Department Resolution Nos. 1058-C.—1071-C., dated the 22nd December 1914, namely :—

1. In clause (1) of rule 4 of the said rules, for the words " one year " the words "six months " shall be substituted.

2. For rule 4-A of the said rules the following shall be substituted, namely :—

" 4-A. If a prisoner is convicted of an offence committed after admission to jail under sections 147, 148, 152, 224, 302, 304, 304-A, 306, 307, 308, 323, 324, 325, 326, 332, 333, 352, 353 or 377 of the Indian Penal Code, or of an assault committed after admission to jail on a warder or other officer, the remission of whatever kind earned by him under these rules up to the date of the said conviction may, with the sanction of the Inspector-General of Prisons, be cancelled."

3. In clause (*a*) of rule 6 of the said rules, for the words " one day " the words " two days" shall be substituted.

4. For the explanation to rule 6 the following shall be substituted, namely :—

" 6-A. A prisoner who is unable to labour through causes beyond his control by reason of being at court, in transit from one jail to another, in hospital or on an invalid gang shall be granted remission under clause (*a*) of rule 6 on the scale earned by him during the previous month if his conduct prior to and during the period in question has been such as to deserve such grant. He shall also be entitled to the grant of remission under clause (*b*) on the scale earned by him during the previous month if he has been in prison during that term; if not at the rate of two days per month :

Provided that if his absence from work is due to his own misconduct in jail no remission under clause (*b*) shall be awarded for the period of absence;

Provided also that if he is in hospital or on an invalid gang, no remission under clause (*b*) of rule 6 shall be granted unless the medical officer certifies that the prisoner's absence from labour is due to causes beyond his control and is in no way caused by any action of the prisoner himself taken with a view to escape work or to get into or to remain in hospital."

5. In rule 7 of the said rules, for the words " four days " the words " five days " shall be substituted.

6. In rule 10 of the said rules, for the word " quarter " the word " month " shall be substituted and the following explanation shall be added at the end of the rule, namely :—

" Explanation for the purposes of this rule prison offences punished only with a warning shall not be taken into account."

7. In rule 15 of the said rules, after the words " any prisoner " the words " whether entitled to ordinary remission or not " shall be inserted.

C. W. GWYNNE,

Offg. Joint Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 26th October 1923.

No. 98-I.—With reference to the provisions of section 79 of the Indian Evidence Act, 1872 (1 of 1872), the Governor-General in Council is pleased hereby to declare that the following officers in the Patiala State are duly authorised to certify documents for the purpose of the said section, namley :—

1. The Foreign Secretary and Assistant Foreign Secretary.
2. The Revenue Commissioner.
3. All District and Sessions Judges.
4. All Nazims (District Magistrates).
5. All Naib Nazims, Faujdari (Magistrates, 1st Class).
6. All Naib Nazims, Dewani (Subordinate Judges).
7. All Naib Nazims, Mal (Revenue Assistants).
8. The Registrar, High Court.

G. D. OGILVIE,

Offg. Secretary to the Government of India.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATIONS.

TELEGRAPHS.

Delhi, the 3rd November 1923.

No. 118-P. T.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry No. 6975-137, dated the 16th September 1909, namely :—

In rule 32 of the said rules :—

(1) for clause (11) the following clause shall be substituted, namely :—

"(11) The fee for the registration of an abbreviated address, which should be paid to the officer-in-charge of the telegraph office at which registration is effected, is Rs. 15 yearly, or Rs. 7-8-0 half-yearly payable in advance. When, however, a number of abbreviated addresses are registered by a single firm either at the same telegraph office or at different telegraph offices, the fee for registration is :—

	Rs.	A.	P.
For the first ten abbreviated addresses ...	15	0	0 each.
For the second ten abbreviated addresses ...	7	8	0 ,,
For each subsequent address	4	8	0 ,,

and

(2) at the end of clause (12) the following shall be inserted, namely :—

"An abbreviated address, registered by a firm for "all time" under the rules in force prior to the 1st July 1904, cannot be transferred to any other firm as an "all time" address. If it is transferred to such other firm, it shall be registered yearly and paid for in accordance with clause (11). A fee of Rs. 5 shall be charged for every change of the word selected for an abbreviated address registered for "all time" and for every transfer of such address to another telegraph office."

No. 126-P. T.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the rules published with the Notification of the Government of India in the Department of Commerce and Industry No. 6975-137, dated the 16th September 1909, namely :—

For clause (*iii*) of rule 65 the following shall be substituted, namely :—

"(*iii*) A fee for the upkeep of account will be levied at the rate of twelve annas for every 25 telegrams, or fraction thereof, despatched by the depositor subject to a minimum of Rs. 10 per annum. The minimum annual charge shall be paid when the deposit is made and thereafter at the beginning of each year."

PUBLIC WORKS BRANCH.

Simla, the 30th October 1923.

No. E.-22.—The undermentioned gentlemen have been appointed by His Majesty's Secretary of State for India to the Indian Service of Engineers as Assistant Executive Engineers on probation and have been posted as follows :—

Mr. C. J. Rae	Bombay.
Mr. H. P. Mathrani	Bombay.
Mr. A. Finlayson	Bengal (Irrigation).
Mr. E. L. Slight	Bengal (Roads and Buildings).
Mr. S. F. Bett	United Provinces (Irrigation).
Sardar Majidullah	Punjab (Irrigation).
Mr. A. G. Giles	Punjab (Irrigation).
Mr. J. A. E. Hector	Burma.
Mr. R. C. Flux	Burma.
Mr. H. V. Chapman	Burma.

A. H. LEY,

Secretary to the Government of India.

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PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, NOVEMBER 10, 1923.

HOME DEPARTMENT.

RESOLUTION.

JUDICIAL.

Delhi, the 7th November 1923.

No. F.-591--23.—The Governor General in Council, with the approval of the Secretary of State, has decided to appoint a Committee to examine and report on—

(1) the proposals made from time to time for constituting an Indian Bar, whether on an all-India or provincial basis, with particular reference to the constitution, statutory recognition, functions and authority of a Bar Council, or Bar Councils and their position *vis-a-vis* the High Courts ;

(2) the extent to which it may be desirable to remove existing distinctions enforced by statute or practice between Barristers and Vakils ;

and to make recommendations.

The Committee will be composed as follows :—

President.

Sir E. M. desC. Chamier, Kt., Barrister-at-Law, Legal Adviser and Solicitor to the Secretary of State, and late Chief Justice of the High Court of Judicature at Patna.

Members.

(1) The Hon'ble Mr. Justice V. M. Coutts Trotter, Barrister-at-Law, Judge of the High Court, Madras.

(2) The Hon'ble Mr. Justice Dinshah Fardonji Mulla, LL.B., an additional Jud of the High Court, Bombay.

(3) Mr. S. R. Das, Barrister-at-Law, Advocate General, Bengal.

(4) Mr. H. P. Duval, I.C.S., Secretary to the Government of Bengal, and Superi tendent and Remembrancer of Legal Affairs, Bengal.

(5) Colonel Sir Henry Stanyon, Kt., C.I.E., V.D., Barrister-at-Law.

(6) Rao Bahadur Tiruvenkata Rangachariar, Vakil, High Court, Madras.

(7) Mr. Sitaram Sunderrao Patkar, LL.B., Government Pleader, Bombay.

(8) Mr. M. M. Chatterjee, President of the Incorporated Law Society, Calcutta.

Secretary.

Mr. J. H. Wise, I.C.S.

The Committee is expected to assemble at Bombay in the third week of November 19 and will submit its report to the Government of India.

ORDER.—Ordered that a copy of the above resolution be published in the *Gazette of In* and communicated to all local Governments and Administrations, the Calcutta High Cou and Legislative Department, for information. Also, that a copy be forwarded to the Secr tary of the Committee for information.

H. TONKINSON,

Joint Secretary to the Government of Indi

ARMY DEPARTMENT.

Delhi, the 9th November 1923.

PART A.

INDIAN MEDICAL SERVICE.

No. 1473.—The undermentioned officer is permitted to retire from the servi subject to His Majesty's approval :—

Lieutenant-Colonel David MacDonald Davidson, C.I.E., M.D. Dated 24th Octo 1923.

E. BURDON,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," NOVEMBER 1923.

No. F.-829-1-22.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

POLICE.

Delhi, the 3rd November, 1923.

RESOLUTION.

In pursuance of a resolution moved in the Legislative Assembly on the 8th of Febru 1922 by Baba Ujagar Singh Bedi, a Committee was appointed by the Governor General Council to examine the Indian Arms Rules, 1920, and to make recommendations with a vi to their amendment. In accepting this resolution the Governor General in Council had ma it plain that there could be no departure from the two principles :

(1) that there should be no racial discrimination in the rules, and

(2) that the Government must retain the power to impose restrictions to preve arms and particularly firearms from falling into the possession of lawless dangerous persons.

The Committee submitted its report in November 1922. On the 15th of Februa 1923 the Honourable Home Member stated in the Legislative Assembly that subject

enquiries from local Governments and other authorities concerned on certain points of detail the Government of India were prepared to accept the main recommendations of the Committee. They could not, however, announce their decision on all the recommendations made without prior consultation with local Governments who are in charge of the detailed administration of the rules. Local Governments accordingly were asked for their views and at the same time were requested to give effect as far as possible to the principles adopted by the Committee where this was feasible pending the modification of the rules of 1920. The replies of local Governments have now been received and have been fully examined by the Government of India. The Indian Arms Rules, 1920, have been amended where necessary and are now republished as the Indian Arms Rules, 1924 : but many recommendations accepted in whole or in part involve no amendment of the rules, and on these the Government of India are now pleased to announce their decisions.

2. In paragraphs 3 to 7 of their report the Committee deal with the question of exemptions. The Government of India agree with the general principle adopted by the Committee that the confinement of the privilege of exemption is in the special circumstances of India preferable to its total abolition. They accept the conclusions regarding *entry 1* (*a*), and *entries 11, 11-A* and *11-B*, of the schedule of exemptions, but they only agree to the proposal that members of the Imperial Legislature should enjoy exemption for their term of office with some reluctance. It is opposed by local Governments on the one hand as creating an invidious distinction between the members of the Central and of Provincial legislatures, and on the other hand certain members of the Central Legislature claim a life exemption and not merely exemption for their terms of office. As regards *entry 6 (d), 6 (f), 6 (i),* and *6 (g)*, enquiries have been made from the local Governments concerned. They are averse from the preparation of lists in the sense recommended by the Committee. It is pointed out with justice that exemption is not conferred on certain Great Sardars or Zamindars as a right but as a privilege and that if the term were precisely defined and a list of all persons who came within that definition were maintained the fact of inclusion in the list would encourage claims for exemption as a matter of right. Moreover, the compilation of lists on a logical and uniform basis throughout India would present difficulty and would inevitably result in anomalies. The most expedient course therefore, and that which will secure the maintenance of the principle that exemption is a privilege and at the same time minimise the inconvenience referred to by the Committee is to attempt no definition of the terms Great Zamindars or Great Sardars or the like in the rules and the schedule, but to leave it to the several local Governments themselves to determine what persons or classes of persons should be included in these categories. The schedule has therefore been amended accordingly.

3. The Government of India after consultation with the local Government on the Committee's observations on *entry* No. 7, are of opinion that there is no necessity to retain *entries* 7 (*c*) and 8 of schedule I in view of *entries* 8 and 9 of schedule IV. The proviso therefore to *entry* 7 (*c*) in column 3 automatically disappears. As regards the recommendation that the same privilege should be extended to the districts of Campbellpur, Rawalpindi and other districts adjoining the North-West Frontier Province, the local Government after careful consideration, have reported that no extension of this privilege is required, but in order to meet the danger of raids in the Attock District, suggest that power be given to them to issue licences for going armed in that district without payment of fee. The Government of India accept this suggestion and have accordingly amended the heading of the appropriate licence form. As regards entry 13, after careful consideration they have decided that the words or the Commander-in-Chief, should be added.

4. The Government of India accept the recommendation made in paragraph 4.

5. In paragraph 5 the Committee recommend that all exemptees should register the arms in their possession in respect of which they enjoy exemption and that registration should be compulsory. The Government of India accept the principle of registration but have decided that registration should be confined to firearms, and that no fee should be charged. In practice, they consider, it would suffice if every exemptee were required to furnish the District Magistrate with information as to the weapons in his possession, failure to do so rendering him liable to the cancellation of his exemption.

6. To give effect to the recommendation regarding *entries 11, 11-A* and *11-B.*, the Government of India have decided that these entries will be deleted from the Schedule and that no mention will be made of these classes in the revised rules. Every person now enjoying the privilege of exemption under these entries in the rules of 1920 or under *entry* 12 thereof, since the same considerations apply in their case also, will, on application, receive free of all fees, a licence in Form XVI, specially made valid for the life time of the licencee in respect of any arms now in his possession and hitherto exempt from licence provided he applies within six months of the coming into force of the rules of 1924. The privilege will not of course extend to title holders who received titles after the 1st of January 1920, who unless otherwise exempt will, as before, be required to take out a licence under the rules.

7. In paragraph 8 the Committee recommend that in extension of the classes described in Home Department resolution No. 2125-C., dated the 21st March 1919, the payment of Rs. 500 land revenue, of Rs. 100 in roads and public works cesses, any payment of income-tax, and in the case of a Government servant receipt of a pay of Rs. 100 a month and upwards should be the qualifications constituting eligibility for what is commonly known as the "entitled class." The Governor-General in Council accepts the principle underlying this recommendation that the grant of licenses should be less restricted, and more free from irksome enquiries than was represented to be the case by many witnesses examined by the Committee and agrees with the qualifications suggested by the Committee as providing sufficient *primâ facie* justification for the possession of arms. He is unable, however, to accept the recommendation that provisions recognizing and constituting an "*entitled class*" should be embodied in the rules. Conditions vary greatly in different provinces in India. In some quarters a practice is in force more liberal than that recommended by the Committee; but in others it is necessary in the interest of law and order to secure that arms do not fall into the possession of lawless or disaffected persons, and therefore they are unwilling to embody in statutory rules any provision which would have the effect of curtailing the power or discretion of the District Magistrate in ordering enquiries. The term "*entitled class*" is somewhat unfortunate. The rules as now framed contain no provisions inconsistent with the principle underlying the recommendation of the Committee, but the term "*entitled class*" has created the erroneous impression that there is a special class, enjoying fewer privileges than the exemptees, but greater than those who are neither exemptees nor members of the "*entitled class.*" There is of course no such special class. The term is merely intended to comprise all those whose means and status *primâ facie* connote respectability and therefore justify the presumption that they are fit and proper persons to possess arms. While therefore no mention will be made of an "*entitled class*" in the statutory rules, at the same time the Government of India are anxious that the qualifications recommended by the Committee should be generally adopted by local Governments and should be made widely known. Where, however, a local Government has laid down more liberal qualifications, these should not now be abandoned. They cannot support the recommendation that lists of the "*entitled class*" should be maintained; the qualifications are so low that each district list would be voluminous, and its preparation and maintenance would involve the appointment of a special staff. The expenditure and labour involved would be wholly incommensurate with the results obtained.

8. In paragraph 10, the Committee recommend that where enquiry is necessary the agency of the Police should not, if possible, be employed; but that if no other agency of enquiry is available a licence should not be refused on the strength of a Police report alone but only after a further magisterial enquiry. The Government of India are unable to concur in this recommendation and are constrained to deprecate a reflection on the good faith of the Police. The replies of local Governments indicate that it is impossible to eliminate enquiry by the Police in the cities and that owing to the shortage or absence of suitable revenue staff, no other agency is available in many district areas. At the same time the replies show that enquiry is frequently carried out by other agencies where these are available. The Government of India are of opinion that the agency of enquiry is really a matter for local Governments and are accordingly averse from imposing any restriction on the choice of agency. They leave the matter in the hands of local Governments who will, they are confident, take all steps necessary to secure that wherever previous enquiries are necessary they are promptly carried out, and in a manner which is neither inquisitorial nor calculated to wound the self-esteem of the applicant.

9. The Government of India are in complete agreement with the recommendation made in paragraph 11 that ordinarily no arbitrary limit should be imposed on the number of licences issued in a district but that local Governments should have the discretionary power of limiting the number of licences in any area or district in which the number of arms justifies the apprehension of serious danger or in which such restriction is deemed necessary for the maintenance of public tranquility. They accept the recommendation in paragraph 12 and have provided for the right of appeal by an amendment of the rules. The recommendation in paragraph 13 is accepted subject to a partial reservation as to the proposal that the duration of the licence should be for the calendar year. Local Governments have pointed out that in practice inconvenience would arise and would prefer that licences for possession and going armed and for protection of crops or destruction of wild animals should run from the date of issue, but have no objection to other licences being issued for the calendar year. The Government of India agree with the views of the local Governments.

10. In paragraph 14 the Committee have dwelt on the inconvenience to which persons desirous of purchasing weapons are put because they cannot produce the weapon when applying for the license necessary for its possession. The Government of India agree with them that it is not necessary to provide for the issue of temporary licences in such cases and accept the recommendation that a regular licence should be issued at the time the applicant applies for a licence, if the application is granted. Provision has been made in the conditions attaching to the appropriate licences for the details of purchases to be filled in on the form by the dealer from whom the purchases are

made and also, to meet criticism offered in this respect, for details to be furnished to the licensing authority by the licensee himself in any case in which he purchases arms and ammunition from any person who is not a licensed dealer.

11. The Government of India accept the principle of the recommendation made in paragraph 15 that a temporary license for 14 days should be given to persons arriving in India by sea and not in possession of a regular license on the payment of full fee by the Customs Authorities. It is however open to objection in detail. The period clearly will in many cases be too short for the object in view; the payment of the full fee to the Customs Authorities will deprive local Governments of their legitimate revenue : and finally it is doubtful whether the agency of the Customs Authorities is altogether suitable for the purpose. The Government of India have therefore decided that a temporary licence for the period of the journey to destination should be granted by the Commissioner of Police at Bombay, Madras, Calcutta, Rangoon, or the District Magistrates at other ports, on a special form on the payment of a fee of Re. 1 for each weapon and that on arrival at destination a regular licence should be taken out in the ordinary way. No practical difficulty need be anticipated. It will be made clear in the form of temporary licence that it does not cover possession after arrival at destination. Travellers arriving in India possessing no regular licence and desirous of obtaining one should inform their agents beforehand of the weapons they intend to import and instruct them to obtain the necessary temporary licence. On arrival at destination they should apply for the licences required in the ordinary way.

12. The Government of India accept the recommendations made in paragraph 16. The conditions of the licence forms have accordingly been altered so as to make it compulsory to report the loss of firearms. A note has also been appended to the licence forms explaining that the breach of any of the conditions of the licence renders the licensee liable to the penalties which may be imposed under the Act.

13. The Government of India accept the recommendations made in paragrahs 17, 18 19 and 20 and trust that local Governments will gsve effect to them both in the letter and in the spirit. As regards paragraph 20 they agree that the District Magistrate or any Magistrate in charge of a sub-division in the District in which the licensee is residing or in any other district in which he is known should be empowered to renew a licence. In any case of doubt it is always open to such Magistrate to make enquiries from the licensing authority which originally granted the licence.

14. In paragraph 21 the Committee state their recommendation in regard to fees. There is some diversity of opinion in the replies received from the local Governments, some accepting the proposal, some recommending no change and others putting forward variants of their own. The principal objection is the loss of revenue which will result from the adoption of the scale proposed by the Committee ; in some quarters, too, it is suggested that the large number of arms licences issued does not justify the belief that persons who require weapons are deterred from purchasing them by the high cost of the licence. The Government of India are impressed by the substantial loss of revenue which complete acceptance of this recommendation will entail. On the other hand they cannot overlook they fact that stress was laid on the desirability of reducing the fees before the Committee, particularly in the case of breech-loading weapons, by many of the witnesses who were examined. They have accordingly decided that the initial fees should remain unchanged but that half these fees should be chargeable on renewal provided applications are made within a month following the expiry of the period covered by the original licence. In their opinion this reduction of the renewal fees will afford substantial relief, and is the most they can agree to in the present financial stringency. They accept the recommendation in regard (1) to the payment of fees by non-judicial stamp, but consider that an applicant should have the option of paying them in cash, (2) the application for licences, (3) the renewal of licences by post, (4) exemption from payment of fees in the circumstances stated in the concluding portion of paragraph 21, aud (5) the payment by dealers of a single fee for import into India and transport to destination.

15. As regards the limit on possession of ammunition, the Government of India agree with the recommendation of the Committee, and trust that Local Governments will, if they have not already done so, issue suitable instructions on the lines recommended.

16. They accept in principle the recommendation made in paragraph 23 that the issue of all-India licenses should be as unrestricted as possible. They agree that Assam and Burma should no longer be excluded from the all-India licence ; but they consider it necessary to make a provision that anyone who has secured an all-India licence in one province shall if he enters another province be subject to such restrictions as may be imposed by that province, as for example that an all-India license granted in one province should be endorsed by the District Magistrate of the district of another province visited by the holder of the licence. Enquiries as recommended have been made from the Punjab, Burma, the North-West Frontier Province and Delhi whether the retention of these provinces in

column 1 of Schedule II is required; the North-West Frontier Province agree to exclusion, but the Government of India are unwilling at present to adopt this suggestion in the case of the Punjab (with which Delhi may be included) or Burma. On the proposal made in paragraph 23 regarding greater expedition in dealing with applications for licences it is impossible and indeed unnecessary for the Government of India to issue any general orders. They are aware that local Governments are fully alive to the necessity of prompt attention to applications for the grant and renewal of licences. They trust that no avoidable delays will occur; that if at any time the pressure of work in connection with licence applications becomes abnormal special measures will be taken to cope with it: and that if in any case unnecessary delay has occurred steps will be taken to prevent its recurrence in future.

17. The Government of India accept the recommendations made in paragraphs 25, 26, 28, 29 and 33, but are unable in view of the strong objections placed before them by the military authorities that there is no difficulty in converting such rifles to take Government ammunition, to accept the recommendation contained in paragraph 27. As regards the recommendation in paragraph 31, the Government of India are of opinion that it is advisable to regularize the practice followed by licensed dealers of employing assistants to conduct their business in their temporary absence, and the licence form granted to dealers has accordingly been amended so as to include a column for the names of duly authorized assistant.

18. The recommendation contained in paragraph 30 does not commend itself to the Government of India. They apprehend that the carrying of firearms by females might have dangerous results, and would only expos such females to attack from lawless persons desirous of stealing weapons. In their opinion it should be possible to meet the situation which the Committee appear to have had in mind by the entry of certain specified members of the licensee's family as retainers.

19. On the recommendation made in paragraph 32 urging reciprocity with Indian States the Government of India are not in a position to make any announcement. They have taken up the matter with the various States, and negotiations are proceeding.

20. The changes in the rules necessitated by the acceptance of these recommendations have been made; and the rules are now published as the Indian Arms Rules of 1924. It has not been found possible to occept *in toto* the recommendations of the Committee in regard to the form in which the rules should be published. They advised a separation of the technical directions intended for dealers from the rules governing the grant of licences for possession of firearms for private purposes. An attempt was made to draft the rules on this principle, but it was wholly unsatisfactory, and was accordingly abandoned. The Indian Arms Rules of 1920 follow the order of the sections of the Act; this is obviously the logical arrangement of the rules and it is clearly convenient on administrative grounds that the sections of the Act and the rules should be in the same sequence. Moreover, the difficulties of interpretation to which the Committee have adverted are due far less to inherent obscurity or to the incorporation of technical directions, than to the fact that they are not self-contained. To be properly understood they must be read in conjunction with the Act and with the schedules and such difficulties as the ordinary member of the public feels will not be solved by the publication of a paraphrased or abbreviated edition of the rules but by the dissemination of information as to the correct procedure of applying for and securing a licence. The Government of India have accordingly prepared for such use as local Government may consider suitable a short pamphlet in popular language, describing the procedure regulating the application for licences for the possession of firearms for purposes of sport, protection, show and the like. They trust that this pamphlet will be translated into the various vernaculars and that publicity will be given to it.

21. In conclusion the Governor-General in Council wishes to express his appreciation of the labours of the Committee. The Indian Arms Rules of 1920 evoked much criticism and many defects were removed as they were pointed out. But much remained to be done when the Committee was appointed in 1922, and their businesslike and practical recommendations coupled with a sympathetic administration of the rules by the local Governments should go far towards removing any dissatisfaction which may still remain.

ORDER.—Ordered that a copy be forwarded to all local Governments and Administrations and to all Departments of the Government of India in continuation of Resolution No. F.-829-I.-Police, dated 20th January 1923.

ORDERED further, that the Resolution be published in the Supplement to the *Gazette of India.*

C. W. GWYNNE,

Joint Secretary to the Government of India.

1085 PGG—826—16-11-23—SGPP Lahore.

Registered No. L. 864.

The Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 30, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, NOVEMBER 17, 1923.

HOME DEPARTMENT.

NOTIFICATIONS.

JUDICIAL.

Delhi, the 15th November 1923.

No. F.-271—23.—The following amendments to the revised rules fixing the salaries, allowances, furloughs, retiring pensions and (where necessary) expenses for equipment and voyage of the Chief Justice and other Judges of the Indian High Courts, which were published with the notification of the Government of India in the Home Department, No. F.-70, dated the 29th December 1922, have been approved by the Secretary of State for India in Council, and are published for general information : they take effect from the 17th October 1922 :—

I. Substitute the following for Rule 7 (*a*) and the note to Rule 7 (*a*) (*ii*) :—

" 7. (*a*) In the furlough account of a Judge who is already serving as a Judge when these rules come into force shall be credited :—

(*i*) A period equal to double the period of privilege leave during which he would, if he had taken privilege leave on the date on which these rules come into force, have been eligible under the rules previously in force to draw salary ; *plus*

(*ii*) the furlough standing at his credit on that date under those rules ; *plus*

(*iii*) one-fourth of the period spent by him on actual service subsequent to that date ; *plus*

(*iv*) a period equal to double the period by which the vacation enjoyed by him in any year subsequent to that date falls short of one month by reason of his having been detained on duty as Vacation Judge.

" *Note* (*1*) *to Rule* 7 (*a*) (*ii*).—For the purpose of this rule furlough shall be credited proportionately in respect of fractions of 4 years' actual service.

"*Note* (2) *to Rule* 7 (*a*) (*ii*).—In the case of any Judge with less than four years' service as such who was already in the service of the Government at the time of his appointment to the High Court, leave on half average pay or furlough without medical certificate which he had at his credit, when so appointed, under the rules applicable to the branch of the service to which he belonged, may up to a maximum of one year be treated as furlough standing at his credit for the purpose of clause (*ii*)."

II. Substitute the following for Rule 10 :—

"10. Furlough due to a Judge may be granted to him subject to the following restrictions :—

(*a*) The aggregate amount of furlough granted to him during his whole period of service as Judge shall not exceed three years, *plus* the aggregate of the periods, if any, credited to his account under Rule 7, sub-rule (*a*), clauses (*i*) and (*iv*), or Rule 7, sub-rule (*b*), clause (*ii*). In computing the amount of furlough taken, leave on full allowances shall be treated as equivalent to double the amount of furlough.

(*b*) The aggregate amount of leave on full allowances granted to him, including the furlough on double allowances granted under the rules previously in force during his whole period of service as a Judge shall not exceed either—

(*i*) one-half of the period, if any, credited to his account under Rule 7, sub-rule (*a*), clauses (*i*) and (*iv*), or Rule 7, sub-rule (*b*), clause (*ii*) ; *plus* one year ; *minus* the aggregate of the periods, if any, of commuted furlough or of leave on average pay subject to a maximum taken by him under the rules applicable to the branch of the service to which he belonged prior to his appointment as a Judge, or

(*ii*) (A) one-twenty-fourth of the period spent by him on actual service, *plus* (B) one-half of the period allowed to be treated as at credit by Note II under rule 7, sub-rule (*a*), clause (*ii*), *plus* (C) one-half of the periods, if any, credited to his account under Rule 7, sub-rule (*a*), clauses (*i*) and (*iv*), or Rule 7, sub-rule (*b*), clauses (*ii*) and (*iii*).

(*c*) The maximum period of leave on full allowances granted at any one time shall be five months.

(*d*) The maximum period of furlough granted at any one time shall be 16 months. In computing this period leave on full allowances shall be treated as equivalent to an equal amount of furlough.

Note to Rule 10 (*b*) (*ii*).—The total of (A) and (B) is subject to the limit of one year."

No. F.-643—23.—Khan Bahadur Mirza Zafar Ali of the Punjab Civil Service took his seat as an Additional Judge of the High Court of Judicature at Lahore on the forenoon of the 22nd October 1923.

H. TONKINSON,

Joint Secretary to the Government of India.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

HEALTH.

Delhi, the 13th November 1923.

No. 890.—Major J. J. Harper Nelson, O.B.E., M.C., M.D., F.R.C.S.E., I.M.S., Professor of Materia Medica, King Edward Medical College, Lahore, is granted, with effect from the 23rd September 1921, combined leave for 8 months and 23 days, *viz.*, privilege leave for 14 days ; special war leave for 60 days, 1 month and 20 days of which may be treated as study leave ; study leave for 2 months and 10 days and leave on average salary for 4 months in addition to the college vacation from 16th June 1922 to 1st October 1922.

2. The Department of Education and Health Notification No. 453, dated the 19th July 1922, is hereby cancelled.

M. S. D. BUTLER,

Secretary to the Government of India.

1175 PGG—810—30-11-23—SGPP Lahore.

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PUNJAB AND ITS DEPENDENCIES.

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LAHORE, FRIDAY, DECEMBER 14, 1923.

PART II.

Republications from the "Gazette of India.

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, DECEMBER 1, 1923.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENT.

Delhi, the 23rd November 1923

No. F. 458—23.—The services of Mr. H. R. Waugh, M.C., I.C.S., are replaced at the disposal of the Government of the Punjab, with effect from the afternoon of the 25th October 1923.

J. CRERAR,
Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DECEMBER 1, 1923.

No. F. 512—23-Estabts.

GOVERNMENT OF INDIA,—HOME DEPARTMENT.

ESTABLISHMENTS.

Delhi, the 27th November 1923.

RESOLUTION.

The undermentioned gentlemen, who have been appointed in England to the Indian Civil Service, are, under the orders of the Governor-General in Council allotted to the provinces shown against their names :—

Mr. S. Banerjee	Bengal.
Mr. K. C. Das Gupta	Bengal.
Mr. E. W. Holland	Bengal.

1251 P.G.3.

Mr. L. C. L. Griffin	...	...	... United Provinces.
Mr. R. T. Shivdasani	...	...	...
Mr. P. K. Kaul	...	...	... Punjab.
Captain J. Read	...	...	...
Mr. B. O. Binns	...	...	... Burma.
Maung K. Min	...	...	...
Mr. D. C. P. Phillips	...	...	...

2. The Governor-General in Council is further pleased to direct that on arrival at Bombay, the gentlemen allotted to Bengal, the United Provinces and the Punjab, shall ascertain from the Resident Under-Secretary to the Government of Bombay whether any orders as to their destination await them. In the absence of any such orders, the gentlemen allotted to Bengal should proceed to Calcutta and report themselves to the Chief Secretary to the Government of Bengal; those allotted to the United Provinces should proceed to Allahabad and report themselves to the Chief Secretary to the Government of the United Provinces and those allotted to the Punjab should proceed to Lahore and report themselves to the Chief Secretary to the Government of the Punjab.

3. The gentlemen allotted to Burma should, on arrival at Rangoon, report themselves to the Chief Secretary to the Government of Burma.

ORDER.—Ordered that a copy of this Resolution be forwarded to the local Governments concerned for information and guidance. Also that the Resolution be published in the Supplement to the *Gazette of India* and that a copy be forwarded to each of the gentlemen concerned.

J. CRERAR,

Secretary to the Government of India.

No. 2083-C. S. R.

GOVERNMENT OF INDIA,—FINANCE DEPARTMENT.

LEAVE AND LEAVE ALLOWANCES.

Delhi, the 26th November 1923.

RESOLUTION.

The following Resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by section 96-B (2) of the Government of India Act, the Secretary of State in Council, with the concurrence of the majority of votes at a meeting of the Council of India held the 26th day of September 1923, hereby makes the following rule to be substituted for Rule 95 of the Fundamental Rules :—

Rule.

"95. Subject to any exceptions and modifications which the Secretary of State in Council may by rule prescribe, the special leave rules in Sections I to V of this Chapter apply to Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur."

ORDERED that the Resolution be published in the Supplement to the *Gazette of India.*

A. C. McWATTERS,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, DECEMBER 8, 1923.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

PEACE TREATY.

Delhi, the 4th December 1923.

The following notice is published for general information :—

No. 256.—The Government of India are pleased to announce that, in view of the ratification of the Treaty of Lausanne by the Grand National Assembly at Angora, they have given directions for the release of the sums of money which became due to persons who were treated as enemies owing to the war with Turkey and which were paid to Custodians of Enemy Property in India, as well as of the Turkish property vested in them, including the proceeds of the sale of, or money arising from vested property. Persons claiming such money or vested property should apply to the appropriate Custodian as soon as possible.

Under the terms of the Treaty of Lausanne limits of time fixed for the presentation of coupons of or claims for interest upon the loans and advances constituting the Ottoman Public Debt and the Turkish Loans of 1855, 1891 and 1894 secured on the Egyptian tribute, and the limits of time fixed for the presentation of securities of these loans drawn for repayment, are considered as having been suspended from the 29th October, 1914, until three months after the coming into force of the Treaty. Holders of such stock having claims in respect of interest or securities drawn for repayment should present their claims without delay to the Council of Administration of the Ottoman Public Debt, Constantinople, or other appropriate authority. A list of the loans constituting the Ottoman Public Debt, will be found in the Annex. to section I of Part II of the Treaty of Lausanne [Treaty Series No. 16 (1923)] published by His Majesty's Stationery Office, London, and obtainable through the leading booksellers. Any inquiries in the matter may be addressed to the Controller, Local Clearing Office (Enemy Debts), Delhi.

L. GRAHAM,

Offg. Secretary to the Government of India.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Delhi, the 4th December 1923.

No A.-61.—In persuance of sub-section (3) of section 1 of the Indian Boilers Act 1923 (V of 1923), the Governor-General in Council is pleased to appoint the 1st January 1924, as the date on which the said Act shall come into force.

A. H. LEY,

Secretary to the Government of India.

1251 PGG—858—14-12-23—SGPP Lahore.

Registered No. L. 884.

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LAHORE, FRIDAY, DECEMBER 21, 1923.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, NOVEMBER 10, 1923.

DEPARTMENT OF COMMERCE.

NOTIFICATION.

MERCHANDISE MARKS.

Delhi, the 10th November 1923.

No. 6263.—In exercise of the power conferred by section 16 of the Indian Merchandise Marks Act, 1889 (IV of 1889), the Governer-General in Council is pleased to direct that the following shall be substituted for the instruction contained in clause III of the Notification of the Government of India in the Home Department, No. 1474, dated the 13th November 1891, namely :—

"III.—A trade description of count or number, length or weight, applied to *grey* or *bleached cotton yarn*, shall not be deemed to be false in a material respect, unless—

(*a*) the described count or number is greater or less than the actual count or number by more than 5 per cent., provided that the average count of the whole of the yarn in question is not greater or less than the described count ; or

(*b*) (*i*) in a bundle of *grey yarn*, the average length of the whole number of single hanks is less than 840 yards and of double hanks is less than 1,680 yards ; or

(*ii*) in a bundle of *bleached yarn*, the average length of single hanks is less than 819 yards and of double hanks is less than 1,638 yards ; or

(*c*) (*i*) in a bundle of yarn of any count under 50, described as being 10 lbs. in weight, the number of knots of 20 hanks each is not half of, or the number of knots of 10 hanks each is not the same as, or the number of knots of 5 hanks each is not double, the described count or number of the yarn ; or

(*ii*) in a bundle of yarn of any count under 50, described as being 5 lbs. in weight, the number of knots of 20 hanks each is not a quarter of, or the number of knots of 10 hanks each is not half of, or the number of knots of 5 hanks each is not the same as, the described count or number of the

yarn ; or

(*iii*) in a bundle of yarn of any count from 50 upwards, the number of knots of 20 hanks each is not half, or the number of knots of 40 hanks each is not a quarter, when the described weight is 10 lbs., or is not a quarter or an eighth, when the described weight is 5 lbs., of the count or number of the yarn ; or

(*d*) in the case of *bleached yarn*, the described weight exceeds the actual weight by more than—

10 per cent. in counts up to 24 ;
8½ per cent. in counts from 25 to 40 ;
7½ per cent. in counts of 41 and upwards :

the allowance being 1 per cent. less than that specified in each of the above cases if the bleached yarn in the bundle is two-fold:

Provided that for the purposes of applying any of the sub-clauses of clause (*c*) to importations of single yarn in double hanks and of two-fold yarn in single and double hanks, one single hank of two-fold yarn, one double hank of single yarn, and one double hank of two-fold yarn shall be taken respectively as two, two and four hanks of single yarn, but the described count or number shall contain a definite indication that the yarn in the bundle is two-fold or in double hanks or both, as the case may be."

G. L. CORBETT,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DELHI, SATURDAY, DECEMBER 15, 1923.

HOME DEPARTMENT.

NOTIFICATION.

POLICE.

Delhi, the 11th December 1923.

No. F.-74-8.—23.—The services of Mr. L. C. B. Glascock, C.I.E., M.V.O., Senior Superintendent of Police, Delhi, are replaced at the disposal of the Government of the Punjab, with effect from the forenoon of the 19th November 1923.

J. CRERAR,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DECEMBER 15, 1923.

No. 2189-C. S. R.

GOVERNMENT OF INDIA,—FINANCE DEPARTMENT.

Delhi, the 10th December 1923.

RESOLUTION.

THE following order of the Secretary of State in Council is published for general information :—

"In accordance with the provisions of sub-section 2 of section 96-B and of section 96-E of the Government of India Act, the Secretary of State for India in Council, with the concurrence of the majority of votes at a meeting of the Council of India held on the 3rd October 1923, has approved the following amendment of the Fundamental Rules :—

Delete :—

Clause (*c*) (*vi*) (*i*) (3) of Fundamental Rule 56.

Substitute :—

56 (*c*) (*vi*) (*i*)..........................

(3) A Lieutenant-Colonel who entered the service before the 1st April 1911, and was specially selected for increased pay on or before the 16th February 1921, may remain in civil employ till he completes 30 years' service ; but if he is specially selected for increased pay after the 16th February 1921, he shall be retired on attaining the age of 55 years unless he has not completed 27 years' service for pension, in which case he may be retained until he completes such period of service.

ORDERED that the Resolution be published in the Supplement to the *Gazette of India.*

A. C. McWATTERS,

Secretary to the Government of India.

1311 PGG—858—21-12-23—SGPP Lahore

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TO

Punjab Government Gazette

FOR HALF YEAR ENDING

30th June 1923.

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541 CS—563—24-1-24—SGPP Lahore.

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TO

Punjab Government Gazette

FOR HALF YEAR ENDING

31st December 1923.

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1324 CS—590—19-6-24—SGPP Lahore.

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PUNJAB AND ITS DEPENDENCIES

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LAHORE, FRIDAY, FEBRUARY 23, 1923.

PART IV.

Acts of the Indian Legislature assented to by the Governor-General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Act of the Indian Legislature received the assent of the Governor General on the 1st February, 1923, and is hereby promulgated for general information :—

ACT No. I OF 1923.

An Act further to amend the Criminal Tribes Act, 1911.

WHEREAS it is expedient further to amend the Criminal Tribes Act, 1911; It is hereby enacted as follows:— (of 1911.)

Short title.

1. This Act may be called the Criminal Tribes (Amendment) Act, 1923.

Amendment of section 2, Act III of 1911.

2. In section 2 of the Criminal Tribes Act, 1911 (hereinafter referred to as the said Act)— (of 1911.)

(*a*) after clause (*1*) the following clauses shall be inserted, namely:—

"(*1a*) 'district' includes a Presidency-town and the town of Rangoon;

(*1b*) 'District Magistrate' means, in the case of a Presidency-town or the town of Rangoon, the Commissioner of Police"; and

(*b*) after clause (*2*) the following clause shall be inserted, namely:—

"(*2a*) 'Superintendent of Police' means, in the case of a Presidency-town or the town of Rangoon, any officer appointed by the Local Government to perform the duties of a Superintendent of Police under this Act."

Amendment of section 4, Act III of 1911.

3. In section 4 of the said Act, the word "or of any part thereof" shall be omitted.

Amendment of section 5, Act III of 1911.

4. In section 5 of the said Act,—

(*a*) for the words "a notice" the word "notice" shall be substituted;

(*b*) the words "or of such part thereof as is directed to be registered" shall be omitted; and

(*c*) in the proviso, the words "or part thereof" shall be omitted, and after the word "registration" the words "and may cancel any such exemption" shall be added.

Amendment of section 13, Act III of 1911.

5. In section 13 of the said Act, after the word "settled" the following shall be added, namely:—

"and any officer empowered in this behalf by the Local Government may, by order in writing, vary any notification made under section 11 or under this section by directing the restriction of such criminal tribe to another area, or, as the case may be, its settlement in another place, in the same district."

2000 PGG

6. After section 13 of the said Act, the following section shall be inserted, namely :—

Insertion of new section 13-A in Act III of 1911.

"13-A. Any notification made by the Local Government under section 11 or section 13 may specify, as the area to which the criminal tribe shall be restricted or as the place in which it shall be settled, an area or place situated in any other province, provided that the consent of the Local Government of that province shall first have been obtained."

Power of Local Government to restrict or settle criminal tribe in another province.

7. For section 15 of the said Act, the following section shall be substituted, namely :—

Substitution of new section for section 15, Act III of 1911.

"15. (*1*) Where a criminal tribe is restricted in its movements to an area, or is settled in a place of residence, situated in a province other than that by the Local Government of which the notification under section 3 relating to such criminal tribe was issued, all the provisions of this Act and the rules made hereunder shall apply to the criminal tribe as if the notification had been issued by the Local Government of such other province.

Application of Act when criminal tribe is transferred from one province or district to another.

(*2*) If a ciminal tribe, having been registered under section 4 in any district, is restricted in its movements to an area, or is settled in a place of residence, situated in another district (whether in the same province or not), the register or any relevant entries or entry therein shall be transferred to the Superintendent of Police of the last mentioned district, and all the provisions of this Act and the rules made hereunder shall apply as if such criminal tribe had been registered in that district, and the District Magistrate of that district shall have power to cancel any exemption granted under section 5."

8. In section 16 of the said Act, the words "Governor General in Council or the" and the words "or any part thereof" shall be omitted; and to the same section the following proviso shall be added, namely :—

Amendment of section 16, Act III of 1911.

"Provided that no criminal tribe shall be placed in a settlement unless the necessity for so placing it has been established to the satisfaction of the Local Government, after an inquiry held by such authority and in such manner as may be prescribed."

9. In section 18 of the said Act,—

Amendment of section 18, Act III of 1911.

(*a*) after the words "Local Government" the words "or any officer authorised by it in this behalf" shall be inserted; and

(*b*) in clause (*b*) the word "like" shall be omitted.

10. In sub-section (2) of section 20 of the said Act,—

Amendment of section 20, Act III of 1911.

(*a*) after clause (*e*) the follo[wing]
shall be inserted, namel[y]
"(*ee*) the circumstances in
bers of a criminal tri[be]
required to possess
for inspection cer[tificates]
identity, and the
which such certificate
granted ;" and

(*b*) after clause (*h*), the follow[ing]
shall be inserted, namely
"(*hh*) the authority by who[m]
manner in which the
ferred to in section 1[6]
held"

11. In section 22 of the said Ac[t]

Amendment of section 22, Act III of 1911.

(*a*) to sub-section (*1*) the words
fine which may extend to
dred rupees, or with bo[th]
be added ;

(*b*) in sub-section (2) for the
rule made under any oth[er]
of" the words "any o[ther]
made under" shall be sub[stituted]
and

(*c*) after sub-section (2) the f[ollowing]
sub-section shall be added
ly :—

"(3) Any person who commit[s]
reasonably suspected of
committed an offence made
able by this section which
a cognizable offence with[in]
meaning of the Code of C[riminal]
Procedure, 1898, may be
without a warrant by any
in charge of a police-station
any police-officer not belo[w]
rank of a sub inspector."

12. After section 27 of the said Ac[t]
following sections sh[all be]
inserted, under the h[eading]
"Supplemental,"
ly :—

Insertion of new sections 27-A and 27-B in Act III of 1911.

"27-A. The Local Government, if
satisfied that adequate
vision has been made
the law of any State in
for the restriction of
movements or the settlement in a pla[ce of]
residence of persons such as are referr[ed to]
in section 3, and for securing the welfar[e of]
persons so restricted or settled, may, with
consent of the Prince or Chief of that S[tate]
direct the removal to that State of any crim[inal]
tribe for the time being in the province,
may authorise the taking of all measures ne[cess]ary to effect such removal :

Power to deport certain criminal tribes to States in India.

Provided that no person shall be so remov[ed]
if the Local Government is satisfied that he
a subject of His Majesty.

27-B. The references to a criminal tribe
sections 4, 5, 14, 17
27-A, shall be deemed to
references to a crimi[nal]
tribe or any part there[of]
and the like references
sections 11, 13, 13-A, 15 and 16 shall be deem[ed]
to be references to a criminal tribe or any pa[rt]
or member thereof."

References to a criminal tribe to include references to part or member thereof in certain cases.

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PART IV.

Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 3rd February 1923 :—

A Bill further to amend the Indian Stamp Act, 1899.

Whereas it is expedient further to amend the Indian Stamp Act, 1899; It is hereby enacted as follows :— (of 1899.)

1. This Act may be called the Indian Stamp (Amendment) Act, 1923.

Short title.

2. In Schedule I to the Indian Stamp Act, 1899—

Amendment of Act II, 1899, Schedule I.

(*i*) In each of the following articles, namely, No. 19, No. 36, No. 37 and No. 52, in the second column for the words " One anna " the words "Two annas" shall be substituted ,

(*ii*) For Article No. 49, the following shall be substituted, namely :—

Promissory note [as defined by section 2 (22)].

(*a*) When payable on demand—

(*i*) when the amount or value is less than Rs. 250; — Two annas

(*ii*) in any other case — Four annas

(*b*) When payable otherwise than on demand— — The same duty as a Bill of Exchange (No. 13) for the same amount payable otherwise than on demand.

(*iii*) In article No. 47—

(*a*) in Division B, in the first column, for the words "Fire-Insurance" the words " Fire-Insurance and other classes of Insurance, not elsewhere included in this article, covering goods, merchandise, personal effects, crops, and other property against loss or damage; " and

(*b*) in Division E, in the first column, for the words " of sea-insurance or a policy of fire insurance " the words " of the nature specified in Division A or Division B of this Article"

shall be substituted.

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STATEMENT OF OBJECTS AND REASONS.

Non-judicial stamps, although transferred to the provinces as a source of revenue, are subject to legislation by the Indian Legislature under Item 20 in Part II of Schedule I of the Devolution Rules.

2. When the Government of Bengal last year proposed to raise the rates of stamp duty on those instruments, it was decided to reserve the following for all-India legislation since uniformity of duty in these particular cases was essential:—

No. in Schedule I to the Indian Act.	Description.
1	Acknowledgment.
13	Bill of Exchange.
19	Share Certificate.
21	Cheque.
28	Delivery Order in respect of goods.
36	Letter of Allotment of shares.
37	Letter of Credit.
47	Policy of Insurance.
49	Promissory Note.
52	Proxy.
53	Receipt.
60	Shipping Order.

In February, 1922, Local Governments were asked their views whether any, and if so, which, of the instruments referred to above could bear an enhancement of the existing rates of duty and to what extent. After considering their replies, it has been decided that the duty on certain of these instruments can be raised.

3. The Government of India have also decided to take this opportunity of amending Article 47 of Schedule I of the Stamp Act so as to bring under clause B of the article certain classes of insurance which have hitherto, for the purposes of stamp duty, been taken under clause D. This amendment has been supported by all Local Governments.

4. The object of the present Bill is to give effect to these proposals.

C. A. INNES.

Delhi, the 3rd February 1923.

The following Bill was introduced in the Legislative Assembly on the 27th March, 1923:—

A Bill to provide for the prevention of deferred rebates and for the prevention of rate wars and resort to retaliatory or discriminating practices in the Coastal traffic of India.

WHEREAS it is expedient to provide for the growth of an Indian Merchant Marine by guaranteeing fair and healthy competition and by checking monopolies;

AND WHEREAS for this purpose it is expedient to provide for the prevention of the grant of deferred rebates to or resort to retaliatory or discriminating practices and for the prevention of rate wars by common carriers engaged in the coasting trade of British India; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Prevention of Deferred Rebates Act, 192 .

(2) It extends to the whole of British India.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "a common carrier" means a common carrier engaged in the transportation by water of passengers or property between any two ports in British India or between any port in British India and any port or place in the Continent of India;

(b) "deferred rebates" means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same or any other carrier or for any other purpose, the payment of which is deferred beyond the

completion of the service for which it is paid, and is paid only if, either during the period for which computed or the period of deferment or both, the shipper has complied with the terms of the rebate agreement or arrangement;

(c) "a subject" means a person and includes a corporation, partnership or association existing under or authorised by the laws of British India or of the dominions of princes and chiefs in alliance with His Majesty;

(d) "the coasting trade of India" means the carriage by water of goods or passengers; and

(e) "minimum rate" means a rate which covers cost of service and includes a fair return on capital invested after meeting depreciation and other essential charges.

Prohibition of deferred rebates and discriminating agreements.

3. No common carrier by water shall, directly or indirectly in respect to the coasting trade of India,—

(a) pay or allow or enter into any combination, agreement or understanding, express or implied, to pay or allow a deferred rebate to any shipper,

(b) retaliate against any shipper by refusing or threatening to refuse space accommodations when such are available, or resort to other discriminating or unfair methods, because such shipper has patronised any other carrier or has filed a complaint charging unfair treatment or for any other reason, and

(c) make any unfair or unjust discriminatory contract with any shipper based on the volume of freight carried or unfairly treat or unjustly discriminate against any shipper in the matter of—

(1) cargo space accommodation or other facilities, due regard being had for the proper loading of the vessel and the available tonnage,

(2) the loading and landing of freight in proper condition, or

(3) the adjustment and settlement of claims.

Governor General in Council to decide whether deferred rebates or discriminating agreements have been resorted to.

4. The Governor General in Council, without prejudice to the right of parties to move the Courts, upon his own initiative may, or upon complaint shall, after due notice to all parties in interest and bearing, determine whether any person, joint stock company, corporation or association engaged in the coasting trade of India—

(1) has violated any provision of section 3, or

(2) is a party to any combination, agreement or understanding, express or implied, that involves in respect to the coasting trade of India a resort to deferred rebates and retaliatory or discriminating practices mentioned in section 3.

Power to Governor General in Council to prohibit entry into ports.

5. If the Governor General in Council determines that any such person, joint stock company, corporation or association violated any such provision or is a party to any such combination, agreement or understanding, he may thereafter refuse such person, joint stock company, corporation or association the right of entry for any common carrier directly or indirectly under his or its control, into any part of British India until the Governor General in Council certifies that the violation has ceased or such combination, agreement or understanding has been terminated.

Common carrier to file copy of agreement with another common carrier.

6. Every common carrier shall file immediately with the Governor-General in Council a true copy or, if oral, a true and complete memorandum, of every agreement with another such carrier or modification or cancellation thereof, to which he may be a party or conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing or destroying competition; pooling or apportioning earnings, losses or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential or co-operative arrangement.

Carrier to file scales of maximum and minimum rates.

7. Every carrier shall also file with the Governor-General in Council a scale of maximum and minimum rates.

Rates filed not to be departed from.

8. No carrier shall depart from the scale filed in accordance with section 7, except with the approval of the Governor-General in Council. Whenever the Governor-General in Council finds that any rate or fare is unjust or unreasonable, it may determine, prescribe and order the enforcement of a just and reasonable maximum and minimum scale of rates and fares.

Reduced rates not to be increased without consent of Governor-General in Council.

9. Whenever a carrier reduces its rates on the carriage of any species of freight to or from competitive points below a fair and remunerative basis with the intent of driving out or otherwise injuring a competitive carrier by water, it shall not increase such rates unless

after a hearing the Governor-General in Council finds that such proposed increase rests upon changed conditions other than the elimination of said competition.

10. The Governor-General in Council may by order disapprove, cancel, or modify any agreement or any modification or cancellation thereof, whether or not previously approved by him that he finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters and importers or to operate to the detriment of the commerce of British India or to be in violation of this Act and shall approve all other agreements, modifications, or cancellations.

Power to Governor-General in Council to cancel or modify agreements.

11. Whoever violates any provision of this Act or refuses or fails to carry out the orders of the Governor-General in Council shall be liable to a fine of not less than ten thousand rupees or simple imprisonment to a term of not less than six months, or both.

Penalties.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to remove some of the main obstacles that lie in the way of the development of an Indian Merchant Marine. They mainly consist of methods whereby shipper is practically bound to confine all his shipments to vessels belonging to a particular shipping company or to the members of a shipping conference, and rate wars waged for stifling all competition by ruthless and unfair rate-cutting. Not merely is the freedom of the shipper to ship his goods by any vessel he may choose thus destroyed, but the progress of trade along desirable channels is also checked. A "disloyal" shipper is penalised by (a) refusal of space, (b) discrimination in the contract of freight, (c) the loading and landing of freight, (d) the adjustment and settlement of claims and various other discriminatory methods. It is the purpose of this Bill to do away with such practices so that an Indian Merchant Marine may grow unhampered.

T. V. SESHAGIRI AYYAR.

Dated the 27th January, 1923.

L. GRAHAM,
Secretary to Government of India,
Legislative Department.

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[As introduced in the Legislative Assembly.]

THE CANTONMENTS BILL.

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A Bill to consolidate and amend the law relating to the administration of cantonments.

WHEREAS it is expedient to consolidate and amend the law relating to the administration of cantonments; it is hereby enacted as follows:

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Cantonments Act, 192 .

(*2*) It extends to the whole of British India including British Baluchistan.

(*3*) The Governor General in Council may, by notification in the *Gazette of India*, direct that this Act or any provisions thereof which he may specify, shall come into force on such date as he may appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*i*) "Assistant Health Officer" means the medical officer appointed by the Officer Commanding the District to be the Assistant Health Officer for a cantonment;

(*ii*) "Board" means a Cantonment Board constituted under this Act;

(*iii*) "brigade area" means one of the brigade areas, whether occupied by a brigade or not, into which India is for military purposes for the time being divided, and includes for all or any of the purposes of this Act any area which the Governor General in Council may, by notification in the *Gazette of India*, declare to be a brigade area for such purpose or purposes;

(*iv*) "building" means any house, hut, out-house, shed, stable or other roofed structure, for whatever purpose or of whatever material constructed, or any part thereof, and includes a well, but does not include a tent or other portable and temporary shelter;

(*v*) "Cantonment Authority" means a Board or, in the case of a cantonment where a Board has not been constituted or has ceased to exist, the Commanding Officer of the cantonment;

(*vi*) "casual election" means an election held to fill a casual vacancy;

(*vii*) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of an elected member of a Board;

(*viii*) "Command" means one of the Commands into which India is for military purposes for the time being divided, and includes any area which the Governor General in Council may, by notification in the *Gazette of India*, declare to be a Command for all or any of the purposes of this Act;

(*ix*) "Commanding Officer of the cantonment" means the military officer for the time being in command of the forces in a cantonment, or, if that officer is the Officer Commanding the District, the military officer who would be in command of those forces in the absence of the Officer Commanding the District;

(*x*) "dairy" includes any farm, cattle-shed, milk-store, milk-shop or other place from which milk is supplied or is kept for purposes of sale or is manufactured for sale into butter, ghee, cheese or curds, and, in relation to a dairyman who does not occupy any premises for the sale of milk, includes any place in which he keeps the vessels used by him for the storage or sale of milk;

(*xi*) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered or is intended to be offered for sale for human consumption, and any purveyor of milk and any occupier of a dairy;

(*xii*) "Executive Engineer" means the Public Works officer of that grade, or the Military Works officer of the corresponding grade, having charge of the military works in a cantonment, and includes the officer of whatever grade in immediate executive engineering charge of a cantonment;

(*xiii*) "Executive Officer" means the person appointed under this Act to be the Executive Officer of a cantonment;

(*xiv*) "Health Officer" means the senior executive medical officer in military employ on duty in a cantonment;

(*xv*) "hill cantonment" means any cantonment declared by the Local Government, by notification in the local official Gazette, to be a hill cantonment for the purposes of this Act;

(*xvi*) "hut" means any building, no material portion of which above the plinth level is constructed of masonry or of squared timber framing or of iron framing;

(*xvii*) "infectious or contagious disease" includes cholera, leprosy, enteric fever, small-pox, tuberculosis, diphtheria, plague, influenza, and any other epidemic, endemic or infectious disease which the Local Government may, by notification in the local official Gazette, declare to be an infectious or contagious disease for the purposes of this Act;

(*xviii*) "inhabitant" in relation to a cantonment, means any person ordinarily residing or carrying on business or

owning or occupying immoveable property therein, and in case of a dispute means any person declared by the District Magistrate to be an inhabitant;

(*xix*) "intoxicating drug" means opium, ganja, bhang, charas and any preparation or admixure thereof, and includes any other intoxicating substance or liquid which the Local Government, with the previous sanction of the Governor-General in Council, may, by notification in the local official Gazette, declare to be an intoxicating drug for the purposes of this Act;

(*xx*) "market" includes any place where persons assemble for the purpose of selling meat, fish, fruit, vegetables, live-stock or any other article of food;

(*xxi*) "military officer" means—

44 and 45 Vict. c. 58. (*a*) a person who being an officer within the meaning of the Army Act or the Air Force Act, is commissioned and in pay as an officer doing military or air force duty with His Majesty's military or air forces, or is an officer doing such duty in any arm, branch or part of those forces; or

(*b*) a person doing military or air force duty as a warrant officer with either of those forces or with any arm, branch or part thereof, whether he is or is not an officer within the meaning of the Army Act or the Air Force Act;

44 and 45 Vict. c. 58.

(*xxii*) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(*xxiii*) "occupier" includes an owner in occupation of, or otherwise using, his own land or building;

(*xxiv*) "Officer Commanding the District" means the Officer Commanding any one of the districts into which India is for military purposes for the time being divided, or any brigade area which does not form part of any such district, or any area which the Governor-General in Council may, by notification in the *Gazette of India* declare to be such a district for all or any of the purposes of this Act;

(*xxv*) "ordinary election" means an election held to fill a vacancy in the office of an elected member of a Board arising by efflux of time:

(*xxvi*) "owner" includes any person who is receiving or is entitled to receive the rent of any building or land, whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant;

(*xxvii*) "party wall" means a wall forming part of a building and used or constructed to be used for the support or separation of adjoining buildings belonging to different owners, or constructed or adapted to be occupied by different persons;

(*xxviii*) "private market" means a market which is not maintained by the Cantonment Authority and which is licensed by it under the provisions of this Act;

(*xxix*) "private slaughter-house" means a slaughter-house which is not maintained by the Cantonment Authority and which is licensed by it under the provisions of this Act;

(*xxx*) "public market" means a market maintained by a Cantonment Authority;

(*xxxi*) "public place" means any place which is open to the use and enjoyment of the public whether it is actually used or enjoyed by the public or not;

(*xxxii*) "public slaughter-house" means a slaughter-house maintained by a Cantonment Authority;

(*xxxiii*) "shed" means a slight or temporary structure for shade or shelter;

(*xxxiv*) "slaughter-house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

(*xxxv*) "soldier" means a person who is a soldier or airman within the meaning of the Army Act or the Air Force Act and who is not a military officer; 44 and 45 Vict. c. 58.

(*xxxvi*) "spirituous liquor" means any fermented liquor, any wine or any alcoholic liquid obtained by distillation or the sap of any kind of palm tree, and includes any other liquid containing alcohol which the Local Government, with the previous sanction of the Governor General in Council may, by notification in the local official Gazette, declare to be a spirituous liquor for the purposes of this Act;

(*xxxvii*) "street" includes any way road, lane, square, court, alley, passage or open space in a cantonment, whether a thoroughfare or not and whether built upon or not over which the public have a right of way and also the road-way or foot-way over any bridge or causeway;

(*xxxviii*) "vehicle" means a wheeled conveyance of any description which is capable of being used on a street, and includes a motor-car, motor lory, motor-omnibus, cart locomotive, tram-car, hand-cart, truck, motor-cycle, bicycle, tricycle and rickshaw; and

(xxxix) " water-works " includes all lakes tanks, streams, cisterns, pumps, wells, reservoirs, aqueducts, water-trucks, sluices, mains, pipes, culverts, hydrants, stand-pipes, and conduits, and all machinery, lands, buildings, bridges and things, used for or intended for the purpose of supplying water t- - cantonment

CHAPTER II.

DEFINITION AND DELIMITATION OF CANTONMENTS

Definition of cantonments.

3. (1) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare any place or places in which any part of His Majesty's regular forces or regular air force is quartered or which, being in the vicinity of any such place or places is or are required for the service of such forces to be a cantonment for the purposes of this Act and of all other enactments for the time being in force, and with the like sanction, may, by a like notification, declare that any cantonment shall cease to be a cantonment.

(2) The Local Government, with the like sanction, may, by a like notification, define the limits of any cantonment for the aforesaid purposes.

Alteration of limits of cantonments.

4. (1) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare its intention to include within a cantonment any local area situated in the immediate vicinity thereof or to exclude from a cantonment any local area comprised therein

(2) Any inhabitant of a cantonment or local area in respect of which a notification has been published under sub-section (1) may, within six weeks from the date of the notification, submit in writing to the Local Government through the Officer Commanding-in-Chief, the Command, an objection to the notification, and the Local Government shall take such objection into consideration

(3) On the expiry of six weeks from the date of the notification, the Local Government may, with the previous sanction of the Governor General in Council, after considering the objections, if any, which have been submitted under sub-section (2), by notification in the local official Gazette, include the local area in respect of which the notification was published under sub-section (1), or any part thereof, in the cantonment or, as the case may be, exclude such area or any part thereof from the cantonment.

The effect of including area in cantonment.

5. When, by a notification under section 4, any local area is included in a cantonment, such area shall thereupon become subject to this Act and to all other enactments for the time being in force throughout the cantonment and to all notifications, rules, regulations, bye-laws, orders and directions issued or made thereunder.

Disposal of cantonment fund when area ceases to be a cantonment.

6. (1) When, by a notification under section 3, any cantonment ceases to be a cantonment and the local area comprised therein is immediately placed under the control of a local authority, the cantonment fund and property vesting in the Cantonment Authority shall vest in such local authority and the liabilities of the Cantonment Authority shall be transferred to such local authority.

(2) When, in like manner, any cantonment ceases to be a cantonment and the local area comprised therein is not immediately placed under the control of a local authority, the balance of the cantonment fund and other property vesting in the Cantonment Authority shall vest in His Majesty, and the liabilities of the Cantonment Authority shall be transferred to the Secretary of State in Council.

Disposal of cantonment fund when area ceases to be included in a cantonment.

7. (1) When, by a notification under section 4, any local area forming part of a cantonment ceases to be under the control of a particular Cantonment Authority and is immediately placed under the control of some other local authority, such portion of the cantonment fund and other property vesting in the Cantonment Authority, and such portion of the liabilities of the Cantonment Authority, as the Governor General in Council may, by general or special order, direct, shall be transferred to that other local authority.

(2) When, in like manner, any local area forming part of a cantonment ceases to be under the control of a particular Cantonment Authority and is not immediately placed under the control of some other local authority, such portion of the cantonment fund and other property vesting in the Cantonment Authority shall vest in His Majesty, and such portion of the liabilities of the Cantonment Authority shall be transferred to the Secretary of State in Council, as the Governor-General in Council may, by general or special order, direct.

Application of funds and property transferred under sections 6 and 7.

8. Any cantonment fund or portion of a cantonment fund or other property of a Cantonment Authority vesting in His Majesty under the provisions of section 6 or section 7 shall be applied in the first place to satisfy any liabilities of the Cantonment Authority transferred under such provisions to the Secretary of State in Council and in the second place for the benefit of the inhabitants of the local area which has ceased to be a cantonment or, as the case may be, part of a cantonment.

Limitation of operation of Act.

9. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, exclude from the operation of any part of this Act any part of a cantonment, or direct that any provision of this Act shall, in the case of any cantonment specified in the notification in which there is no Board, apply with such modifications as may be so specified.

CHAPTER III.

CANTONMENT AUTHORITIES AND CANTONMENT BOARDS.

Cantonment Authorities.

Cantonment Authority and Executive Officer.

10. (*1*) For every cantonment beyond the limits of a Presidency-town there shall be a Cantonment Authority and an Executive Officer.

(*2*). Where a cantonment is situated within the limits of a Presidency-town the functions assigned to any authority by or under this Act shall, subject to the provisons of any other law for the time being in force, be discharged by such authority as the local Government may, by notification in the local official Gazette, appoint in this behalf.

Local Government to decide whether Cantonment Board shall be constituted.

11. The Local Government may, by notification in the local official Gazette, order in respect of any cantonment that a Cantonment Board shall be constituted therein, and may, by a like notification, order that any Board so constituted shall cease to exist.

Incorporation of Cantonment Authority.

12. (*1*) Every Board shall, by the name of the Board of the place by reference to which the cantonment is known, be a body corporate having perpetual succession and a common seal with power to acquire and hold property both moveable and immoveable and to contract and shall, by the said name, sue and be sued.

(*2*) In the case of any cantonment where there is no Board, the Cantonment Authority shall be a corporation sole by the name of the Cantonment Authority of the place by reference to which the cantonment is known, and as such Cantonment Authority shall have perpetual succession and an official seal with power to acquire and hold property both moveable and immoveable and to contract and shall by the said name, sue and be sued.

Appointment of Executive Officer.

13. The Executive Officer of every cantonment shall be appointed by the Governor General in Council and in a cantonment where there is a Board, shall be the Secretary, but shall not be a member thereof.

Constitution of Cantonment Board.

14. (*1*) Every Board shall consist of the following members, namely :—

(*a*) the Commanding Officer of the cantonment;

(*b*) a Magistrate of the first class nominated by the District Magistrate ;

(*c*) the Health Officer ;

(*d*) the Executive Engineer ;

(*e*) such military officers not exceeding four in number as may be nominated by the Commanding Officer of the cantonment by order in writing ;

Provided that the Commanding Officer of the cantonment may, if he thinks fit, with the sanction of the Officer Commanding the District nominate in place of any military officer whom he is empowered to nominate under this clause any person, whether in the service of the Government or not, who is ordinarily resident in the cantonment or the vicinity thereof, to represent any interest or community not otherwise represented on the Board ;

(*f*) such number of members elected under this Act as is equal to the number of members nominated under clauses (*b*) to (*e*) :

Provided that where the total civil population of a cantonment is, according to the latest census, less than two thousand five hundred in number, the Local Government may, by notification in the local official Gazette, declare that the provisions of clauses (*e*) and (*f*) shall not apply in the case of that cantonment, and may with the concurrence of the Officer Commanding-in-Chief, the Command, by a like notification, nominate as members of the Board not more than three persons who are resident in the cantonment or in the vicinity thereof and who either own land or house property in the cantonment or carry on business therein.

(*2*) Every election, nomination or appointment of a member of a Board and every vacancy in the membership thereof shall be notified by the Local Government in the local official Gazette.

Terms of office of members.

15. (*1*) Save as otherwise provided in this section, the terms of office of a member of a Board shall be three years and shall commence from the date of the notification of his election or nomination under sub-section (*2*) of section 14, or from the date on which the vacancy has occurred in which he is elected or nominated, whichever date is later.

(*2*) The term of office of an *ex-officio* member of a Board shall continue so long as he holds the office in virtue of which he is such a member.

(*3*) The term of office of a member elected to fill a casual vacancy shall commence from the date of election and shall continue so long only as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(*4*) An outgoing member shall, unless the Local Government otherwise directs, continue in office until the election or nomination of his successor is notified under sub-section (*2*) of section 14.

(*5*) Any outgoing member may, if qualified, be re-elected or re-nominated.

Filling of vacancies.

16. (*1*) Vacancies arising by efflux of time in the office of an elected member of a Board shall be filled by an ordinary election to be held on such date as the Local Government may, by notification in the local official Gazette, direct.

(2) A casual vacancy shall be filled by a casual election the date of which shall be fixed by the Local Government by notification in the local official Gazette, and shall be, as soon as may be, after the occurrence of the vacancy :

Provided that no casual election shall be held to fill a vacancy occurring within three months of any date on which the vacancy will occur by efflux of time, but such vacancy shall be filled at the next ordinary election

17. (1) If from any cause at an ordinary election no member is elected, or if the elected member is unwilling to serve on the Board, the outgoing member shall, if qualified and willing to serve, be deemed to have been re-elected.

Vacancies in special cases.

(2) If in any such case the outgoing member is not qualified or is not willing to serve, or if at a casual election no member is elected, the vacancy shall be filled by nomination by the Local Government with the concurrence of the Officer Commanding-in-Chief, the Command.

(3) The term of office of a member nominated or deemed to have been re-elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

18. (1) Every person who is, by virtue of his office, or who is nominated or elected to be, a member of a Board shall, before taking his seat, make at a meeting of the Board an oath or affirmation of his allegiance to the Crown in the following form, namely :—

Oath or affirmation.

"I., A. B., having become / been elected / been nominated a member of this Board, do solemnly swear (*or affirm*) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter."

(2) If any such person fails to make the oath or affirmation within such time as the Local Government considers reasonable, the Local Government shall, by notification in the local official Gazette, declare his seat to be vacant.

19. (1) Any nominated or elected member of a Board who wishes to resign his office may forward his resignation in writing through the President of the Board to the Officer Commanding-in-Chief, the Command, who shall forward it for orders to the Local Government.

Resignation.

(2) If the Local Government accepts the resignation, such acceptance shall be communicated to the Board and thereupon the seat of the member resigning shall become vacant.

20. (1) The Commanding Officer of the cantonment shall be the President of the Board.

President and Vice-President.

(2) There shall be a Vice-President of every Board elected from among the members at a meeting thereof.

21. (1) The term of office of a Vice-President shall be—

Term of office of Vice-President.

(*a*) in the case of a person who is not in the service of the Government, three years or the residue of his term of office as a member, whichever is less, or

(*b*) in the case of a person in the service of the Government, the residue of the term of his office as a member.

(2) A Vice-President may resign his office by notice in writing to the President and, on the resignation being accepted by the Board, the office shall become vacant.

22. (1) It shall be the duty of the President of every Board—

Duties of President.

(*a*) unless prevented by reasonable cause, to convene and preside at all meetings of the Board and to regulate the conduct of business thereat ;

(*b*) to exercise supervision and control over the financial and executive administration of the Board ;

(*c*) to perform all the duties and exercise all the powers specifically imposed or conferred on the President by or under this Act ; and

(*d*) subject to any restrictions, limitations and conditions imposed by this Act, to exercise executive power for the purpose of carrying out the provisions of this Act and to be directly responsible for the fulfilment of the purposes of this Act.

(2) The President may, by order in writing, empower the Vice-President to exercise all or any of the powers and duties referred to in clause (*c*) of sub-section (*1*) other than any power, duty or function which he is by resolution of the Board expressly forbidden to delegate.

(3) The exercise or discharge of any powers, duties or functions delegated by the President under this section shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the President and to the control of, and to revision by, the President.

(4) Every order made under sub-section (2) shall forthwith be communicated to the Board and to the Officer Commanding the District.

23. It shall be the huty of the Vice-President of every Board—

Duties of Vice-President.

(*a*) in the absence of the President and unless prevented by reasonable cause, to preside at meetings of the Board and when so presiding to exercise the authority of the President under sub-section (*1*) of section 22 ;

(*b*) during the incapacity or temporary absence of the President or pending his appointment or succession, to perform any other duty and exercise any other power of the President ; and

(c) to exercise any power and perform any duty of the President which may be delegated to him under sub-section (2) of section 22.

Duties of the Executive Officer.

24. The Executive Officer shall perform all the duties imposed upon him by or under this Act, and shall be responsible for the custody of all the records of the Cantonment Authority, and shall arrange for the performance of such duties relative to the proceedings of the Board or of any Committee of the Board, or of any Committee of Arbitration constituted under this Act, as those bodies may respectively impose on him, and shall comply with every requisition of the Cantonment Authority on any matter pertaining to the administration of the cantonment.

Special power of the Executive Officer.

25. The Executive Officer may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Cantonment Authority and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the cantonment fund :

Provided that—

(a) he shall not act under this section in contravention of any order of the Cantonment Authority prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report forthwith the action taken under this section and the reasons therefor to the Cantonment Authority.

Elections.

Electoral rolls.

26. (*1*) Where a Board is to be constituted in any cantonment, the Cantonment Authority shall prepare and publish an electoral roll showing the names of persons qualified to vote at elections to the Board. Such roll shall be prepared, revised and finally published in such manner and on such date in each year as the Local Government may by rule prescribe.

(*2*) Every person whose name appears in the final electoral roll shall, so long as the roll remains in force, be entitled to vote at an election to the Board, and no other person shall be so entitled.

(*3*) When a cantonment has been divided into wards, the electoral roll shall be divided into separate lists for each ward.

(*4*) If a new electoral roll is not published in any year on the date prescribed, the Local Government may direct that the old electoral roll shall continue in operation until the new roll is published.

Qualification of electors.

27. (*1*) The following persons shall, if not otherwise disqualified, be entitled to be enrolled as electors, namely :—

(a) every person who in any year has on or before such date as may be fixed by the Local Government in this behalf by notification in the local official Gazette (hereinafter in this section referred to as the aforesaid date) been assessed directly and on his own account to taxes under this Act (other than octroi, toll or terminal tax), the aggregate value whereof is not less than such amount as the Local Government may by rule prescribe, and who on the aforesaid date is not in arrears in the payment of any such tax ;

(b) every person who has for a period of not less than twelve months immediately preceding the aforesaid date resided in the cantonment and on the aforesaid date—

(*i*) is the owner or the mortgagee in possession or the lessee of any building or land in the cantonment, of an annual value calculated in such manner and of not less than such amount, as the Local Government may by rule prescribe ; or

(*ii*) is carrying on any business in the cantonment from which he derives an annual income calculated in such manner, and of not less than such amount, as the Local Government may by rule prescribe ; or

(*iii*) is a graduate of any University established by law in British India ; or

(*iv*) is a retired or pensioned officer, whether commissioned or non-commissioned, of His Majesty's forces ;

(c) every person who has, during a period of not less than twelve months immediately preceding the aforesaid date, resided in the cantonment and has during that period been assessed to income-tax.

(*2*) A person, notwithstanding that he is otherwise qualified, shall not be entitled to be enrolled as an elector if he on the aforesaid date—

(*i*) is not a British subject, or

(*ii*) is less than 21 years of age, or

(*iii*) has been adjudged by a competent Court to be of unsound mind, or

(*iv*) is an undischarged insolvent, or

(*v*) has been sentenced by a Criminal Court to imprisonment for a term exceeding six months or to transportation or has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1898, or has been sentenced by a Criminal Court for any offence under Chapter IXA of the Indian Penal Code : V of 1898. XLV of 1860.

Provided that the Local Government may, by order in writing, remove any disqualification incurred by a person under clause (*b*).

(*3*) If any person having been enrolled as an elector in any electoral roll subsequently

becomes subject to any of the disqualifications referred to in clauses (*i*), (*iii*), (*iv*) and (*v*) of sub-section (2), his name shall be removed from the electoral roll unless, in the case referred to in clause (*v*), the disqualification is removed by the Local Government.

Qualification for being a member of the Board.

28. (*1*) Save as hereinafter provided, every person whose name is entered on the electoral roll of a cantonment shall be qualified for election as a member of the Board of that cantonment.

(2) No person shall be qualified for election or nomination as a member of a Board, if he—

(*a*) has been dismissed from Government service and is debarred from re-employment therein, or is a dismissed servant of the Cantonment Authority;

(*b*) is debarred from practising as a legal practitioner by order of any competent authority;

(*c*) holds any place of profit in the gift or at the disposal of the Board, or is a stipendiary Magistrate or police officer, or is the servant or employer of a member of the Board; or

(*d*) is interested in a subsisting contract made with, or in work being done for, the Board except as a shareholder (other than a director) in an incorporated company; or

(*e*) is disqualified under any other provision of this Act:

Provided that—

(*i*) any of the disqualifications referred to in clauses (*a*) and (*b*) may be removed by an order of the Local Government in this behalf, and

(*ii*) a person shall not be deemed to have any interest in such a contract or work as is referred to in clause (*d*) by reason only of his having a share or interest in—

(*a*) any lease or sale or purchase of immoveable property or any agreement for the same, or

(*b*) any agreement for the loan of money or any security for the payment of money only, or

(*c*) any newspaper in which any advertisement relating to the affairs of the Board is inserted, or

(*d*) the sale to the Board of any articles in which he regularly trades or the purchase from the Board of any articles, to a value in either case not exceeding Rs. 1,500 in the aggregate in any year during the period of the contract or work.

Interpretation.

29. For the purposes of sections 26, 27 and 28—

(*a*) "person" means an individual human being, and

(*b*) a person shall be deemed to pay a tax directly if he pays the tax either himself or through a legally appointed agent.

Joint families, etc.

30. Notwithstanding anything hereinbefore contained, the Local Government may make rules conferring on the manager or representative of an undivided family or of any company or firm or other association or body or on any trustee of any land a right to be enrolled as an elector or to be nominated as a candidate at elections to a Board.

Power to make rules regulating elections.

31. (*1*) The Local Government may, either generally or specially for any cantonment or group of cantonments, make rules consistent with this Act to regulate all or any of the following matters, for the purpose of the holding of elections under this Act, namely—

(*a*) the division of a cantonment into wards, or of the inhabitants of a cantonment into classes, or both;

(*b*) the determination of the number of members to be elected by each ward or class of persons;

(*c*) the method by which the annual value of buildings and lands shall be calculated for the purposes of section 27;

(*d*) the preparation revision and final publication of electoral rolls;

(*e*) the registration of electors, the nomination of candidates, the time and manner of holding elections and the method by which votes shall be recorded;

(*f*) the authority by which and the manner in which disputes relating to electoral rolls or arising out of elections shall be decided, and the powers and duties of such authority, and the circumstances in which such authority may declare a casual vacancy to have been created or any candidate to have been elected;

(*g*) any other matter relating to elections or election disputes in respect of which the Local Government is empowered to make rules under this Chapter or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Local Government, necessary.

(2) The power of the Local Government to make rules under this section shall be subject to the condition of the rules being made after previous publication and of their not taking effect until they have been confirmed by the Governor General in Council and published by the Local Government in the local official Gazette.

(3) The Governor General in Council in confirming a rule made under this section may make any alteration therein which appears to him to be necessary

Members.

32. No member of a Board shall vote at a meeting of the Board on any question relating to his own conduct or on any matter, other than a matter affecting generally the inhabitants of the cantonment, which affects his own pecuniary interest or the valuation of any property in respect of which he is directly or indirectly interested, or of any property of o for which he is a manager or agent.

Member not to vote in matter in which he is interested.

33. Every member of a Board shall be liable for the loss, waste or misapplication of any money or other property belonging to the Board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while such member; and a suit for compensation for the same may be instituted against him either by the Board or by the Secretary of State for India in Council.

Liability of members.

34. (1) The Local Government may remove from a Board any member thereof who—

Removal of members.

(a) has absented himself for more than three consecutive months from the meetings of the Board and is unable to explain such absence to the satisfaction of the Board; or

(b) is an undischarged insolvent; or

(c) is adjudged by a competent Court to be of unsound mind, or is deaf and dumb or a leper; or

(d) has been sentenced by a Criminal Court to imprisonment for a term exceeding six months or to transportation or has been ordered to furnish security for his good behaviour under the Code of Criminal Procedure, 1898, or has been sentenced by a Criminal Court for any offence under Chapter IXA of the Indian Penal Code; or

V of 1898.

LV of 1860

(e) is interested in a subsisting contract made with, or in work being done for, the Board in such a manner as to be disqualified under section 28 for election or nomination as a member; or

(f) has knowingly contravened the provisions of section 32; or

(g) being a legal practitioner, acts or appears on behalf of any other person against the Board or against the Secretary of State in Council in any suit or other proceeding relating to land in the cantonment which is vested in His Majesty, or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person.

(2) The Local Government may remove from a Board any member who, in the opinion of the Local Government, has so flagrantly abused in any manner his position as a member of the Board as to render his continuance as a member detrimental to the public interests.

(3) No member shall be removed from a Board under this section unless he has given a reasonable opportunity of showing cause against his removal.

35. (1) A member removed under clause (a) of sub-section (1) of section 34 shall, if otherwise qualified, be eligible for re-election or nomination.

Consequences of removal.

(2) A Member removed under clause (b) of sub section (1) of section 34 shall not be eligible for re-election or nomination until he has obtained his discharge.

(3) A member removed under sub-section (2) of section 34 shall not be eligible for re-election or nomination until the expiry of three years from the date of his removal.

(4) A member removed under any other provision of section 34 shall not be eligible for re-election or nomination until he is declared so eligible by the Local Government by notification in the local official Gazette.

Servants.

36. (1) No person who has directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of a Cantonment Authority or in any employment under, by or on behalf of a Cantonment Authority, otherwise than as a servant of the Cantonment Authority, shall become or remain a servant of such Cantonment Authority.

Disqualification of person as servant of Cantonment Authority.

(2) A servant of a Cantonment Authority who knowingly acquires or continues to have directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of the Cantonment Authority or, in any employment under, by or on behalf of the Cantonment Authority, otherwise than as a servant of the Cantonment Authority, shall be deemed to have committed an offence under section 168 of the Indian Penal Code. XLV o

(3) Nothing in this section shall apply to any share or interest in any contract with, by or on behalf of, or employment under, by or on behalf of, a Cantonment Authority if the same is a share in a company contracting with, or employed by, or on behalf of the Cantonment Authority or is a share or interest acquired or retained with the permission of the Officer Commanding the District in any lease or sale to, or purchase by, the Cantonment Authority of land or buildings or in any agreement for the same.

Procedure.

37 (1) Every Board shall ordinarily hold at least one meeting in every month on such day as may be fixed, and of which notice shall be given in such manner as may be provided, by regulations made by the Board under this Chapter.

Meetings.

(2) The President may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the members of the Board, convene a special meeting.

(3) Any meeting may be adjourned until the next or any subsequent day and an adjourned meeting may be further adjourned in like manner

Business to be transacted.

38. Subject to any regulation made by the Board under this Chapter, any business may be transacted at any meeting:

Provided that no business relating to the imposition, abolition or modification of any tax shall be transacted at a meeting, unless notice of the same and of the date fixed therefor has been sent to each member not less than seven days before that date.

Quorum.

39 (1) The quorum necessary for the transaction of business at a meeting of a Board shall be five or one-half of the number of members of the Board actually holding office at the time, whichever is the greater number.

(2) If a quorum is not present, the President shall adjourn the meeting and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and may be transacted at, an adjourned meeting, whether there is a quorum present or not.

Presiding officer.

40. In the absence of both the President and the Vice-President from any meeting, the senior member present who is in the service of Government shall preside.

Minutes.

41. (1) Minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the President before the close of the meeting, and shall, at such times and in such place as may be fixed by the Board, be open to inspection free of charge by any inhabitant of the cantonment.

(2) Copies of the minutes shall, as soon as possible after each meeting, be forwarded for the information of the officer Commanding the District and the District Magistrate.

Meeting to be public.

42. Every meeting of a Board shall be open to the public unless in any case the President, for reasons to be recorded in the minutes, otherwise directs.

Method of deciding questions.

43. (1) All questions coming before a meeting shall be decided by the majority of the votes of the members present and voting.

(2) In the case of an equality of votes, the President shall have a second or casting vote.

(3) The dissent of any member from any decision of the Board shall, if the member so requests, be entered in the minutes together with a short statement of the grounds for such dissent.

Power to make regulations.

44. (1) A Board may make regulations consistent with this Act and with the rules made thereunder to provide for all or any of the following matters, namely—

(a) the time and place of its meetings;
(b) the manner in which notice of the meeting shall be given;
(c) the conduct of proceedings at meetings and the adjournment of meetings;
(d) the custody of the common seal of the Board and the purposes for which it shall be used; and
(e) the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees, and the delegation to such committees, subject to any condition, which the Board thinks fit to impose, of any of the powers or duties of the Board under this Act other than a power to make regulation or bye-laws.

(2) No regulation made under clause (e) of sub-section (1) shall take effect until it has been approved by the Local Government.

(3) No regulation made under this section shall take effect until it has been published in such manner as the Local Government may direct.

Joint action with other local authority.

45. (1) A Cantonment Authority may—

(a) join with any other local authority—

(i) in appointing a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee;

(ii) in delegating to such committee power to frame terms binding on the Cantonment Authority and such other local authority as to the construction and future maintenance of any joint work or to exercise any power which might be exercised by either of the said authorities; and

(iii) in making rules for regulating the proceedings of any such committee relating to the purposes for which it has been appointed; or

(b) with the previous sanction of the Local Government, enter into an agreement with any other local authority regarding the levy of octroi, terminal tax or terminal toll whereby the said tax or toll respectively leviable by the authorities so contracting may be levied together instead of separately within the limits of the aggregate area comprising the areas subject to the control of the said authorities.

(2) If any difference of opinion arises between any authorities acting together under this section, the decision thereon of the Local Government or of an officer appointed by the Local Government in this behalf shall be final.

(3) When any agreement such as is referred to in clause (b) of sub-section (1) has been entered into—

(a) the other local authority with which the Cantonment Authority has made such agreement shall have the same powers to establish octroi limits and octroi stations and places for the collection of the terminal tax and terminal toll within the cantonment, and shall have the same power of collecting such tax or toll on animals, vehicles and goods brought within such limits or to such stations or brought to or taken from such places, and the provisions of any enactment in force relating to the levy of such tax or toll by such other local authority shall apply in the same manner, as if the limits, places and stations so established were comprised within the area ordinarily subject to its control ; and

(b) the total of the collection of such tax and toll made in the cantonment and in the area ordinarily subject to the control of such other local authority, and the costs thereby incurred shall, subject to the provisions of sub section (1), be divided between the cantonment fund and the fund subject to the control of such other local authority, in such proportion as may have been determined by the agreement.

Control.

Power of Government to require production of documents.

46. The Governor General in Council or the Local Government may at any time require a Cantonment Authority—

(a) to produce any record, correspondence, plan or other document in its possession or under its control ;

(b) to furnish any return, plan, estimate, statement, account or statistics relating to its proceedings, duties or works ;

(c) to furnish or obtain and furnish any report.

Inspection.

47. The Officer Commanding-in-Chief, the Command, may depute any person in the service of the Government to inspect or examine any department of the office of, or any service or work undertaken by, or thing belonging to, a Cantonment Authority, and to report thereon, and the Cantonment Authority and its officers and servants shall be bound to afford the person so deputed access at all reasonable times to the premises and property of the Cantonment Authority and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

Powers of Officer Commanding-in-Chief, the Command.

48. The Officer Commanding-in-Chief, the Command, may, by order in writing,—

(a) call for any book or document in the possession or under the control of the Cantonment Authority ;

(b) require the Cantonment Authority to furnish such statements, accounts, reports and copies of documents relating to its proceedings, duties or works as he thinks fit.

Power to require execution of work, etc.

49. If, on receipt of any information or report obtained under section 47 or section 48, the Officer Commanding-in-Chief, the Command, is of opinion—

(a) that any duty imposed on a Cantonment Authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any such duty ;

he may, after consulting the Local Government, direct the Cantonment Authority, within such period as he thinks fit, to make arrangements to his satisfaction for the proper performance of the duty, or, as the case may be, to make financial provision to his satisfaction for the performance of the duty :

Provided that, unless in the opinion of the Officer Commanding-in-Chief, the Command, the immediate execution of such order is necessary, he shall, before making any direction under this section, give the Cantonment Authority an opportunity of showing cause why such direction should not be made.

Power to provide for enforcement of direction under section 49.

50. If, within the period fixed by a direction made under section 49, any action the taking of which has been directed under that section has not been duly taken, the Officer Commanding-in-Chief, the Command, may make arrangements for the taking of such action and may direct that all expenses connected therewith shall be defrayed out of the cantonment fund.

Power to override decision of Board.

51. (1) If the President dissents from any decision of the Board, he may, for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month, and, if he does so, shall forthwith refer the matter to the Officer Commanding-in-Chief, the Command.

(2) If the District Magistrate considers any decision of a Cantonment Authority to be prejudicial to the public health, safety or convenience, he may, after giving notice in writing of his intention to the Cantonment Authority, refer the matter to the Local Government; and pending the disposal of the reference to the Local Government, no action shall be taken on the decision.

(3) If any Magistrate who is a member of a Board, being present at a meeting, dissents from any decision which he considers prejudicial to the public health, safety or convenience, he may, for reasons to be recorded in the minutes and after giving notice in writing of his intention to the President, report the matter to the District Magistrate; and the President shall, on receipt of such notice, direct the suspension of action on the decision for a period sufficient to allow of a communication being made to the District Magistrate and of his taking proceedings as provided by sub-section (2).

Power of Officer Commanding-in-Chief, the Command, on reference under section 51 or otherwise.

52. (1) The Officer Commanding-in-Chief, the Command, may at any time—

(a) direct that any matter or any specific proposal other than one which has been referred to the Local Government under sub-section (2) of section 51 be considered or re-considered by the Cantonment Authority; or

(b) direct the suspension, for such period as may be stated in the order, of action on any decision of a Cantonment Authority, other than a decision which has been referred to him under sub-section (1) of section 51, and thereafter cancel the suspension or direct that the decision shall not be carried into effect or that it shall be carried into effect with such modifications as he may specify.

(2) When any decision of a Board has been referred to him under sub section (1) of section 51, the Officer Commanding-in-Chief, the Command, may, by order in writing,—

(a) cancel the order given by the President directing the suspension of action; or

(b) extend the duration of the order for such period as he thinks fit; or

(c) direct that the decision be carried into effect by the Board with such modifications as he may specify.

Powers of Local Government on a reference made under section 51.

53. When any decision of a Cantonment Authority has been referred to the Local Government under sub-section (2) of section 51, the Local Government may, after consulting the Officer Commanding-in-Chief, the Command, by order in writing,—

(a) direct that no action be taken on the decision; or

(b) direct that the decision be carried into effect either without modification or with such modifications as it may specify.

Supersession of Board.

54. (1) If in the opinion of the Local Government, any Board is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Local Government may, with the previous sanction of the Governor General in Council, by an order published together with the statement of the reasons therefor in the local official Gazette, declare the Board to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for such period as may be specified in the order.

(2) When a Board is superseded by an order under sub-section (1)—

(a) all members of the Board shall, on such date as may be specified in the order, vacate their offices as such members but without prejudice to their eligibility for election or nomination under clause (c);

(b) during the supersession of the Board, all powers and duties conferred and imposed upon the Board by or under this Act or otherwise by law shall be exercised and performed by the Commanding Officer of the cantonment subject to such reservation, if any, as the Local Government may prescribe in this behalf; and

(c) before the expiry of the period of supersession elections shall be held and nominations made for the purpose of reconstituting the Board.

Validity of Proceedings.

Validity of proceedings, etc.

55. (1) No act or proceeding of a Board or of any committee of a Board shall be invalid by reason only of the existence of a vacancy in the Board or committee.

(2) No disqualification or defect in the election, nomination or appointment of a person acting as the President or a member of a Board or of any such committee shall vitiate any act or proceeding of the Board or committee if the majority of the persons at the time of the act being done or the proceeding being taken were duly qualified members thereof.

(3) Any document or minutes which purport to be the record of the proceedings of a Board or of any committee of a Board shall, if made and signed substantially in the manner prescribed for the making and signing of the record of such proceedings, be presumed to be a correct record of the proceedings of a duly convened meeting, held by a duly constituted Board or committee, as the case may be, whereof all the members were duly qualified.

CHAPTER IV.

SPIRITUOUS LIQUORS AND INTOXICATING DRUGS.

Unauthorized sale of spirituous liquor or intoxicating drugs.

56. If within a cantonment, or within such limits adjoining a cantonment as the Local Government may, by notification in the local official Gazette, define, any person not subject to military or air-force law or any person subject to military or air-force law otherwise than as a military officer or a soldier knowingly barters, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or

follower or soldier's wife, without the written permission of the Commanding Officer of the cantonment or of some person authorised by the Commanding Officer of the cantonment to grant such permission, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Unauthorised possession of spirituous liquor.

57. If within a cantonment, or within any limits defined under section 56,—

(*a*) any person subject to military or air-force law otherwise than as a military officer or a soldier, or

(*b*) the wife or servant of any such person or of a soldier,

has in his or her possession, except on behalf of the Government or for the private use of a military officer, more than one quart of any spirituous liquor, other than fermented malt liquor, without the written permission of the Commanding Officer of the cantonment or of some person authorised by the Commanding Officer of the cantonment to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to fifty rupees, and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees.

Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections.

58. (*1*) Any police officer or excise officer may, without an order from a Magistrate and without a warrant, arrest any person whom he finds committing an offence under section 56 or section 57, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed, and any vessels or coverings in which the liquor or drug is contained.

(*2*) Where a person accused of an offence under section 56 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged commission of the subsequent offence belonged to, or was in the possession of, such person.

(*3*) The Court convicting a person of an offence under section 56 or section 57 may order the confiscation of the whole or any part of anything seized under sub-section (*1*) or sub-section (*2*).

(*4*) Subject to the provisions of Chapter XLIII of the Code of Criminal Procedure, 1898, anything seized under sub-section (*1*) or sub-section (*2*) and not confiscated under sub-section (*3*) shall be restored to the person from whom it was taken.

V of 1898.

Saving of articles sold or supplied for medicinal purposes.

59. The foregoing provisions of this Chapter shall not apply to the sale or supply of any article in good faith for medicinal purposes by a medical practitioner, chemist or druggist authorised in this behalf by a general or special order of the Commanding Officer of the cantonment.

CHAPTER V.

TAXATION.

Imposition of Taxation.

General power of taxation.

60. The Local Government may, by notification in the local official Gazette, impose in any cantonment any tax which, under any enactment in force on the date of the notification, may be imposed in any municipality within the province.

Extension of Act XX of 1856 to certain cantonments.

61. (*1*) The Local Government may, by notification in the local official Gazette, extend the provisions of the Bengal Chaukidari Act, 1856, to any cantonment which is not included in a municipality and which is situated in any part of British India in which that Act is in force, and the Executive Officer of any cantonment to which that Act is so extended may exercise all the powers of the Magistrate thereunder subject only to the control of the District Magistrate and the Local Government. XX of 1856.

(*2*) The Local Government may order that a cantonment to which the provisions of the Bengal Chaukidari Act, 1856, have been extended shall be divided into any number of cantonment divisions and may determine the nature of the tax to be levied in each such division according to section 10 of that Act. XX of 1856.

(*3*) While a tax assessed according to the circumstances, and the property to be protected, of the persons liable thereto, or according to the annual value of houses and grounds, is levied under the Bengal Chaukidari Act, 1856, in a cantonment, a tax on persons practising any profession or art or carrying on any trade or calling or a tax on buildings or lands shall not be leviable in the cantonment in pursuance of a notification under section 60 of this Act. XX of 1856.

Framing of preliminary proposals.

62. (*1*) When the Local Government proposes to impose any tax under section 60, it shall, by notification in the local official Gazette, give notice of its intention.

(*2*) Every notification issued under sub-section (*1*) shall specify—

(*a*) the tax which it is proposed to impose;

(*b*) the persons or classes of persons to be made liable and the description of the property or other taxable thing or circumstance in respect of which they are to be made liable; and

(*c*) the rate at which the tax is to be levied.

63. (*1*) Any inhabitant of the cantonment may, within fifteen days from the date of the notification under section 62, submit to the Local Government an objection in writing to all or any of the proposals framed therein, and the Local Government shall take any objection so submitted into consideration.

Procedure subsequent to framing proposals.

(*2*) After the expiry of fifteen days from the date of the notification and after considering all objections submitted thereto under sub-section (*1*), the Local Government may impose the tax either in the original form or, if any such objection has been so submitted, in that form or in such modified form as it thinks fit.

64. For the purposes of this Chapter, "annual value" means—

Definition of annual value.

(*a*) in the case of railway stations, hotels, colleges, schools, hospitals, factories and other such buildings, one-twentieth of the sum obtained by adding the estimated present cost of erecting the building to the estimated value of the land appertaining thereto, and

(*b*) in the case of a building or land not provided for in clause (*a*), the gross annual rent for which such building (exclusive of furniture or machinery therein) or such land is actually let or, where the building or land is not let or in the opinion of the Cantonment Authority is let for a sum less than its fair letting value, might reasonably be expected to let from year to year ;

Provided that, where the annual value of any building is, by reason of exceptional circumstances, in the opinion of the Cantonment Authority, excessive if calculated in the aforesaid manner, the Cantonment Authority may fix the annual value at any less amount which appears to it to be just.

65. (*1*) Save as otherwise expressly provided in the notification imposing the tax, every tax on the annual value of buildings or lands or of both shall be leviable primarily upon the actual occupier of the property upon which the said tax is assessed, if he is the owner of the buildings or lands or holds them on a building or other lease from the Secretary of State in Council or from the Cantonment Authority or on a building lease from any person.

Incidence of taxation.

(*2*) In any other case, the tax shall be primarily leviable as follows, namely :—

(*a*) if the property is let, upon the lessor ;

(*b*) if the property is sub-let, upon the superior lessor ;

(*c*) if the property is unlet, upon the person in whom the right to let the same vests.

(*3*) On failure to recover any sum due on account of such tax from the person primarily liable, there may be recovered from the occupier of any part of the buildings or lands in respect of which the tax is due such portion of the sum due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list.

(*4*) An occupier who makes any payment for which he is not primarily liable under this section shall, in the absence of any contract to the contrary, be entitled to be re-imbursed by the person primarily liable for the payment.

Assesment List.

66. When a tax on the annual value of buildings or lands or both is imposed, the Cantonment Authority shall cause an assessment list of all buildings or lands in the cantonment, or of both, as the case may be, to be prepared in such form as the Governer-General in Council may by rule prescribe.

Assessment list.

67. When the assessment list has been prepared, the Cantonment Authority shall give public notice thereof, and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any property included in the list, and any authorized agent of such person, shall be at liberty to inspect the list and to make extracts therefrom free of charge.

Publication of assessment list.

68. (*1*) The Cantonment Authority shall, at the same time, give public notice of a date, not less than one month thereafter, when it will proceed to consider the valuations and assessments entered in the assessment list, and, in all cases in which any property is for the first time assessed or the assessment is increased, it shall also give notice thereof to the owner and to any lessee or occupier of the property.

Revision of assessment list.

(*2*) Any objection to a valuation or assessment shall be made in writing to the Cantonment Authority before the date fixed in the notice, and shall state in what respect the valuation or assessment is disputed, and all objections so made shall be recorded in a register to be kept for the purpose by the Cantonment Authority.

(*3*) The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorized agent, by an Assessment Committee appointed by the Cantonment Authority.

(*4*) The Assessment Committee shall consist of not less than three persons, and, where there is a Board, it shall not be necessary to appoint to the Assessment Committee any member thereof.

Authentication of assessment list.

69. (*1*) When all objections made under section 68 have been disposed of, and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signature of the members of the Assessment Committee who shall, at the same time, certify that they have considered all objections duly made and have amended the list so far as is required by their decisions on such objections.

(*2*) The assessment list so authenticated shall be deposited in the office of the Cantonment Authority and shall there be open, free of charge, during office hours, to all owners, lessees and occupiers of property comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

Evidential value of assessment list.

70. Subject to such alterations as may thereafter be made in the assessment list under the provisions of this Chapter and to the result of any appeal made thereunder, the entries in the assessment list authenticated and deposited as provided in section 69 shall be accepted as conclusive evidence—

(*i*) for the purpose of assessing any tax imposed under this Act, of the annual value or other valuation of all buildings and lands to which such entries respectively refer, and

(*ii*) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon during the year to which such list relates.

Amendment of assessment list.

71. (*1*) The Cantonment authority may, at any time, amend the assessment list by inserting the name of any person whose name ought to have been or ought to be inserted, or by inserting any property which ought to have been or ought to be inserted, or by altering the assessment on any property, which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Cantonment Authority or of the Assessment Committee or of the assessee, or, in the case of a tax payable by an occupier, by a change in the tenancy, after giving notice to any person affected by the amendment of a time, not less than one month from the date of service, at which the amendment is to be made.

(*2*) Any person interested in any such amendment may tender an objection to the Cantonment Authority in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent.

Preparation of new assessment list.

72. The Cantonment Authority shall prepare a new assessment list every year, and for this purpose the provisions of sections 66 to 71 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.

Notice of transfers.

73. (*1*) Whenever the title of any person primarily liable for the payment of a tax on the annual value of any building or land to or over such building or land is transferred, the person whose title is transferred and the person to whom the seme is transferrsd shall, within three months after the execution of the instrument of transfer, or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer to the Executive Officer.

(*2*) In the event of the death of any person primarily liable as aforesaid, the person on whome the title of the deceased devolves shall give notice of such devolution to the Executive Officer within six months from the death of the deceased.

(*3*) The notice to be given under this section shall be in such form as the Executive Officer may direct and the transferee or other person on whom the title devolves shall, if so required, be bound to produce before the Executive Officer any documents evidencing the transfer or devolution.

(*4*) Every person who makes a transfer as aforesaid without giving such notice to the Executive Officer shall continue liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the Cantonment Authority, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

Notice of erection of building.

74. (*1*) If any building is erected or re-erected within the meaning of section 179, the owner shall give notice thereof to the Executive Officer within thirty days from the date of its completion or occupation, whichever is earlier.

(*2*) Any person failing to give the notice required by sub-section (*1*), shall be punishable with fine which may extend to fifty rupees or ten times the amount of the tax payable on the said building, as erected or re-erected, as the case may be, in respect of a period of three months, whichever is greater.

Remission and Refund.

Demolition, etc., of buildings.

75. If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Cantonment Authority may, on the application of the owner, remit or refund such portion of the tax as it thinks fit.

Remission of tax.

76. In a cantonment other than a hill cantonment, when any building or land has remained vacant and unproductive of rent for ninety or more consecutive days during any year, the Cantonment Authority shall remit or refund, as the case may be, such portion of the tax in respect of that year as may be proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent.

77. For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the Cantonment Authority, at the time of the assessment of the building, to enter in the assessment list, in addition to the annual value of the whole building, a note recording in detail the annual value of each separate tenement. When any tenement, the annual value of which has been thus separately recorded, has remained vacant and unproductive of rent for ninety or more consecutive days during any year, such portion of the tax in respect of that year on the whole building shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed :

Power to require entry in assessment list of details of building.

Provided that no such remission shall be made unless notice in writing of the circumstances in which it is claimed has been given to the Cantonment Authority, and no remission or refund shall take effect in respect of any period commencing more than fifteen days before the delivery of such notice.

78. (*1*) For the purposes of sections 76 and 77 no building, tenement or land shall be deemed vacant if maintained as a pleasure resort of town or country house, or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation, thereof, whether he is in actual occupation or not.

What buildings, etc., are to be deemed vacant.

(*2*) The burden of proving all facts entitling any person to claim relief under section 75, or section 76, or section 77 shall be upon him.

79. (*1*) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 76 or section 77 shall give notice of the re-occupation of such building or land within fifteen days of such re-occupation.

Notice to be given of every occupation of vacant building or house.

(*2*) Any owner failing to give the notice required by sub-section (*1*) shall be punishable with fine which shall not be less than twice the amount of the tax payable on such building, tenement or land in respect of the period during which it has been re-occupied and which may extend to fifty rupees or to ten times the amount of the said tax, whichever sum is greater.

Charge on Immoveable property.

80. A tax assessed on the annual value of any building or land shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the building or land.

Tax on buildings and land to be a charge thereon.

Octroi, Terminal Tax and Toll.

81. Every person bringing or receiving any goods, vehicles or animals within the limits of any cantonment in which octroi or terminal tax or toll is leviable, shall, when so required by an officer duly authorized by the Cantonment Authority in this behalf so far as may be necessary for ascertaining the amount of tax chargeable—

Inspection of imported goods, etc.

(*a*) permit that officer to inspect, examine or weigh such goods, vehicles or animals ; and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which such person may possess relating to such goods, vehicles or animals.

82. (*1*) A person introducing or attempting to introduce within the limits of a cantonment or abetting the introduction therein, of any goods, vehicles or animals, for which the octroi, terminal tax or toll leviable has neither been paid nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi, terminal tax or toll, or to fifty rupees, whichever is greater, and which shall not be less than twice the value of such octroi, terminal tax or toll, as the case may be.

Evasion of octroi or terminal tax.

(*2*) In case of non-payment of any octroi or terminal tax or toll on demand, the officer empowered to collect the same may seize any goods, vehicles or animals on which the octroi, terminal tax or toll is chargeable or any part or number thereof which is of sufficient value to satisfy the demand.

(*3*) The Cantonment Authority, after the lapse of five days from the seizure, and after the issue of a notice in writing to the person in whose possession the goods, vehicles or animals were at the time of seizure, fixing the time and place of sale, may cause the property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand and any expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid :

Provided that the Executive Officer may, in any case, order that any article of a perishable nature which can not be kept for five days without serious risk of damage, or which cannot be kept save at a cost which together with the amount of octroi, terminal tax or toll is likely to exceed its value, shall be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

(*4*) If at any time before the sale has begun, the person whose property has been seized tenders to the Executive Officer the amount of all expenses incurred and of the octroi, terminal tax or toll, the Executive Officer shall release the property seized.

(*5*) The surplus, if any, of the sale proceeds shall be credited to the cantonment fund, and shall, on application made to the Cantonment Authority within one year after the sale, be paid to the person in whose possession the property was at the time of seizure, and, if no such application is made, shall be the property of the Cantonment Authority.

Lease of octroi, terminal tax or toll.

83. It shall be lawful for the Cantonment Authority, with the previous sanction of the Officer Commanding-in-Chief, the Command, to lease the collection of any octroi, terminal tax or tell for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi, terminal tax or toll shall, in respect thereof,—

(a) be bound by any orders made by the Cantonment Authority for their guidance;

(b) have such powers exerciseable by officers or servants of the Cantonment Authority under this Act as the Cantonment Authority may confer upon them and

(c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the Cantonment Authority for the management and collection of the octroi, terminal tax or toll, as the case may be:

Provided that no article distrained may be sold except under the orders of the Cantonment Authority.

Appeals.

Appeals against assessment.

84. (1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act shall lie to the District Magistrate or to such other officer as may be empowered by the Local Government in this behalf:

Provided that, where there is a Board and the person to whom the appeal would ordinarily lie is, or was when the tax was imposed, a member of the Board, the appeal shall lie to the Commissioner of the Division, or, in a province where there are no Commissioners, to the District Judge.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of the appellant, draw up a statement of the facts of the case and the point on which doubt is entertained and refer the statement with his own opinion on the point for the decision of the High Court.

(3) On a reference being made under subsection (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Order XLVI of the First Schedule to the Code of Civil Procedure, V of 1908 1908.

Costs of appeal.

85. In every appeal the costs shall be in the discretion of the officer hearing the appeal.

Recovery of costs from Cantonment Authority.

86. If the Cantonment Authority fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the cantonment fund to pay the amount.

Conditions of right to appeal.

87. No appeal shall be heard or determined under this Chapter unless—

(a) the appeal is in the case of a tax assessed on the annual value of buildings or lands or both, brought within thirty days next after the date of the authentication of the assessment list under section 69 (exclusive of the time requisite for obtaining a copy of the relevant entries therein), or, as the case may be, within thirty days of the date on which an amendment is finally made under section 71, and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days next after the date of the presentation of the first bill in respect thereof:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the Court before whom the appeal is preferred that he had sufficient cause for not preferring it within that period;

(b) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the Cantonment Authority.

Finality of appellate orders.

88. The order of an appellate authority confirming, setting aside or modifying an order in respect of any valuation or assessment or liability to assessment or taxation shall be final:

Provided that it shall be lawful for the appellate authority, upon application or on its own motion, to review any order passed by it in appeal if application in this behalf is made within three months from the date of the original order.

Payment and Recovery of Taxes.

Time and manner of payment of taxes.

89. Save as otherwise expressly provided under this Act, any tax imposed under the provisions of this Act shall be payable on such dates and in such instalments, if any, as the Cantonment Authority may, by public notice, direct.

Presentation of bill.

90. (1) When any tax has become due, the Executive Officer shall cause to be presented to the person liable for the payment thereof a bill for the amount due.

(2) Every such bill shall specify the particulars of the tax and the period for which the charge is made.

Notice of demand.

91. (1) If the amount of the tax for which any bill has been presented is not paid to the Cantonment Authority within fifteen days from the presentation thereof, the Executive Officer may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in Schedule I.

(2) For every notice of demand which the Executive Officer causes to be served on any person under this section, a fee of such amount, not exceeding one rupee, as shall in each case be fixed by the Executive Officer shall be payable by the said person and shall be included in the costs of recovery.

Recovery of tax.

92. (1) If the person liable for the payment of any tax does not, within fifteen days from the service of the notice of demand, pay the amount due, or show sufficient cause for non-payment of the same to the satisfaction of the Executive Officer, such sum, with all costs of recovery, may be recovered under a warrant issued in the form set forth in Schedule II, be distress and sale of the moveable property of the defaulter :

Provided that the Executive Officer shall not recover any sum the liability for which has been remitted on appeal under this Chapter.

(2) Every warrant issued under this section shall be signed by the Executive Officer.

Distress.

93. (1) It shall be lawful for any servant of the Cantonment Authority to whom a warrant issued under section 92 is addressed to distrain, wherever it may be found, any moveable property of the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

(a) the following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) tools of artisans,

(iii) books of account, or

(iv) when the defaulter is an agriculturist, his implements of husbandry, seedgrain, and such cattle as may be necessary to enable the defaulter to earn his livelihood ;

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Executive Officer, should not have been distrained, it shall forthwith be returned.

(2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in Schedule III to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

Disposal of distrained property.

94. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is when added to the amount to be recovered, likely to exceed its value, the Executive Officer, shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once and shall set it accordingly unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the Executive Officer, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 93, be sold by order of the Executive Officer.

(3) The surplus of the sale proceeds, if any, shall forthwith be credited to the cantonment fund, and notice of such credit shall be given at the same time to the person from whose possession the property was taken, and, if the same be claimed by written application to the Cantonment Authority within one year from the date of the notice, a refund thereof shall be made to such person. Any surplus not claimed within one year as aforesaid shall be the property of the Cantonment Authority.

(4) For every distraint made under this Chapter, a fee of such amount, not exceeding one rupee, as shall in each case be fixed by the Executive Officer shall be charged, and the said fee shall be included in the costs of recovery.

Recovery from a person about to leave cantonment.

95. (1) If the Executive Officer has reason to believe that any person from whom any sum is due on account of any tax is about to remove from the Cantonment, he may direct the immediate payment by such person of the sum so due or about to become due and cause a bill for the same to be served on such person.

(2) If, on the service of such bill, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress and sale in the manner hereinbefore provided in this Chapter, except that it shall not be necessary to serve upon the defaulter any notice of demand and the warrant for distress and sale may be issued and executed without any delay.

Power to institute suit for recovery.

96. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided in this Chapter, or after a defaulter has been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any Court of competent jurisdiction.

Special Provisions relating to Taxation.

Power to prohibit or exempt from taxation. XI of 1881.

97. Every Cantonment Authority shall be deemed to be a Municipal Committee for the purposes of sections 3 and 4 of the Municipal Taxation Act, 1881.

Power to make special provision for conservancy in certain cases.

98. A Cantonment Authority may make special provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, and may fix a special rate and the dates and other conditions for periodical payment thereof, which shall be determined by a written agreement with the person liable for the payment of the conservancy or scavenging tax in respect of such factory, hotel, club or group of buildings or lands;

Provided that, in fixing the amount proper regard shall be had to the probable cost to the Cantonment Authority of the services to be rendered.

Exemption from ordinary tax when provision made under section 98.

99. When, in pursuance of section 98, a Cantonment Authority has fixed a special rate for the cleansing of any factory, hotel, club or group of buildings or lands, such premises shall be exempted from the payment of any conservancy or scavenging tax imposed in the cantonment.

Exemption of poor persons.

100. A Cantonment Authority may exempt for a period not exceeding one year at a time from the payment of any tax or any portion of a tax imposed under this Act any person who is in its opinion by reason of poverty unable to pay the same.

Composition.

101. (*1*) A Cantonment Authority may, with the previous sanction of the Officer Commanding in Chief, the Command, allow any person to compound for any tax.

(*2*) Every sum due by reason of the composition of a tax under sub section (*1*) shall be recoverable as if it were a tax.

Irrecoverable debts.

102. A Cantonment Authority may write off any sum due on account of any tax or of the costs of recovering any tax if such sum is, in its opinion, irrecoverable.

Obligation to disclose liability.

103. (*1*) The Executive Officer may, by written communication, call upon any inhabitants of the cantonment to furnish such information as may be necessary for the purpose of ascertaining—

(*a*) whether such inhabitant is liable to pay any tax imposed under this Act:

(*b*) at what amount he should be assessed;

(*c*) the annual value of the building or land which he occupies and the name and address of the owner or lessee thereof.

(*2*) If any person, when called upon under sub-section (*1*) to furnish information, omits to furnish it or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to one hundred rupees.

Immaterial error not to effect liability.

104. No assessment and no charge or demand on account of any tax or fee shall be impeached or effected by reason only of any mistake in the name of any person liable to pay such tax or fee, or in the description of any property or thing, or any mistake in the amount of the assessment, charge or demand, if the directions contained in this Act and the rules and bye laws made thereunder have in substance and effect been complied with; but any person who sustains any special damage by reason of any such mistake shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Distraint not to be invalid by reason of immaterial defect.

105. No distress levied under this Chapter shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account only of any defect of form in the notice of demand, warrant of distress or other proceeding relating thereto; nor shall any such person be deemed a trespasser *ab anitio* on account of any irregularity afterwards committed by him; but any person who sustains any special damage by reason of any such irregularity shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

CHAPTER VI.

CANTONMENT FUND AND PROPERTY.

Cantonment Fund.

Cantonment fund.

106. There shall be formed for every cantonment a cantonment fund, and there shall be placed to the credit therof the following sums, namely:—

(*a*) all sums received by or on behalf of the Cantonment Authority, and

(*b*) subject to any deductions made under section 545 of the Code of Criminal Procedure, 1898, or under any other law for the time being in force, or under any order of the Local Government, all fines recovered from persons convicted of offences committed within the cantonment— V of [1898]

(*i*) under this Act or any rule or bye-law made thereunder, or

(*ii*) under section 34 of the Police Act, 1861, or under any corresponding enactment for the time being in force, or V of [1861]

(*iii*) under Chapter XIII or Chapter XIV of the Indian Penal Code, or XLV [of 1860] 44 [&] Vic

(iv) under section 156 of the Army Act, or

(v) under the provisions of any enactment wherein or whereunder provision is made for a fine being credited to the cantonment fund, or

(vi) under any other enactment for the time being in force in respect of which the Governor General in Council may, by general or special order, direct that fines realised thereunder shall be credited to the cantonment fund.

Custody of cantonment fund.

107. (*1*) Where in or near a cantonment there is a Government treasury or sub-treasury, or a branch of the Imperial Bank of India, the cantonment fund shall be kept in such treasury, sub-treasury or bank, as the case may be.

(*2*) Where there is no such treasury, sub-treasury or bank, the cantonment fund may be deposited with any bank to which the Government treasury business has been entrusted, and, in the absence of such a bank, with any banker or person acting as a banker who has given such security for the safe custody of the fund and the payment on demand of the fund so kept as the Local Government may in each case direct.

(*3*) Notwithstanding anything contained in sub-section (*1*) or sub-section (*2*), a Cantonment Authority may, with the previous sanction of the Local Government, place in fixed deposit with the Imperial Bank of India any surplus funds in its hands which may not be required for immediate use, or may invest the same in securities of the Government of India or a Local Government or in such other securities as the Local Government may approve in this behalf, and may vary such investments for others of a like nature and may dispose of such securities as may be necessary.

(*4*) The income resulting from any fixed deposit or from any such security as is referred to in sub-section (*3*) or from the proceeds of the sale of any such security shall be credited to the cantonment fund.

Property.

Property.

108. Subject to any special reservation made by the Governor-General in Council or the Local Government, all property of the nature hereinafter in this section specified which has been acquired or provided or is maintained by a Cantonment Authority, shall vest in and belong to that Cantonment Authority, and shall be under its direction, management and control, that is to say,—

(*a*) all markets, slaughter-houses, manure and nightsoil depôts, and buildings of every description ;

(*b*) all water-works for the supply, storage or distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto ;

(*c*) all sewers, drains, culverts and water-courses, and all works, materials and things appertaining thereto ;

(*d*) all dust, dirt, dung, ashes, refuse, animal matter, filth and rubbish of every kind, and dead bodies of animals, collected by the Cantonment Authority from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in places appointed by the Cantonment Authority for such purpose ;

(*e*) all lamps and lamp-posts and apparatus connected therewith or appertaining thereto ;

(*f*) all land or other property transferred to the Cantonement Authority by His Majesty, or by gift, purchase or otherwise for local public purposes ; and

(*g*) all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements, and things existing on or appertaining to streets.

Application of cantonment fund and property.

109. The cantonment fund and all property vested in a Cantonment Authority shall be applied for the purposes, whether express or implied, for which, by or under this Act or any other law for the time being in force, powers are conferred or duties or obligations are imposed upon the Cantonment Authority :

Provided that the Cantonment Authority shall not incur any expenditure for acquiring or renting land beyond the limits of the cantonment or for constructing any work beyond such limits except—

(*a*) with the sanction of the Local Government, and

(*b*) on such terms and conditions as the Local Government may impose :

Provided, further, that priority shall be given in the order hereinafter set forth to the following liabilities and obligations of a Cantonment Authority, that is to say,—

(*a*) to the liabilities and obligations arising from a trust legally imposed upon or accepted by the Contonment Authority ;

(*b*) to the repayment of, and the payment of interest on any loan incurred under the provisions of the Local Authorities Loans Act, 1914 ; IX of 1914.

(*c*) to the payment of establishment charges ; and

(*d*) to the payment of any sum the payment of which is expressely required by the provisions of this Act or any rule or bye-law made thereunder.

110. When there is any hindrance to the permanent or temporary acquisition upon payment of any land required by a Cantonment Authority for the purposes af this Act, the Local Government may, at the request of the Cantonment Authority, proceed to acquire it under the provisions of the Land Acquisition Act, 1894, and on payment by the Cantonment Authority of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Cantonment Authority.

Acquisition of immoveable property.

I of 1894.

111. The Governor-General in Council may make rules consistent with this Act to provide for all or any of the following matters, namely :—

Power to make rules regarding cantonment fund and property.

(*a*) the conditions on which property may be acquired by Cantonment Authorities or on which property vested in a Cantonment Authority may be transferred by sale, mortgage, lease, exchange or otherwise ; and

(*b*) any other matter relating to the cantonment fund or cantonment property in respect of which no provision or insufficient provision is made by or under this Act, and provision is, in the opinion of the Governor-General in Council, necessary.

CHAPTER VII.

CONTRACTS.

112. Subject to the provisions of this Chapter, every Cantonment Authority shall be competent to enter into and perform any contract necessary for the purposes of this Act.

Contracts by whom to be executed.

113. (*1*) No lease or other contract which is to remain in operation for more than twelve months shall be executed by or on behalf of a Cantonment Authority without the previous sanction of the Officer Commanding the District.

Sanction.

(*2*) Every contract—

(*a*) for which budget provision does not exist, or

(*b*) which involves a value or amount exceeding one hundred rupees,

shall require the sanction of the Cantonment Authority.

(*3*) Every contract other than a contract such as is referred to in sub-section (*1*) or sub-section (*2*) shall be sanctioned by the Cantonment Authority or by the Executive Officer on behalf of the Cantonment Authority.

114. (*1*) Every contract made by or on behalf of a Cantonment Authority, the value or amount of which exceeds fifty rupees, shall be in writing and every such contract shall, where there is a Board, be signed by two members, of whom the President or the Vice-President shall be one, and be contersigned by the Executive Officer and be sealed with the common seal of the Board, or, where there is no Board, be signed by the Commanding Officer of the cantonment and be sealed with the official seal of the Cantonment Authority :

Execution of contracts.

Provided that where there is a Board, the Executive Officer may in a case of urgency, with the previous sanction of the President of the Board, execute on behalf of the Board any contract the value or amount of which does not exceed two hundred rupees.

(*2*) Where an Executive Officer executes a contract on behalf of a Board under sub-section (*1*), he shall submit a report of his action and of the reasons therefor to the Board at its next meeting.

115. If any contract is executed by or on behalf of a Cantonment Authority otherwise than in conformity with the provisions of this Chapter, it shall not be binding on the Cantonment Authority.

Contracts improperly executed not to be binding on a Cantonment Authority.

CHAPTER VIII.

DUTIES AND DISCRETIONARY FUNCTIONS OF CANTONMENT AUTHORITIES.

116. It shall be the duty of every Cantonment Authority so far as the funds at its disposal permit to make reasonable provision within the cantonment for—

Duties of Cantonment Authority.

(*a*) lighting streets and other public places ;

(*b*) watering streets and other public places ;

(*c*) cleansing streets, public places and drains, abating nuisances and removing noxious vegetation ;

(*d*) regulating offensive, dangerous or obnoxious trades, callings and practices ;

(*e*) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places ;

(*f*) securing or removing angerous buildings and places ;

(*g*) acquiring, maintaining, changing and regulating places for the disposal of the dead ;

(*h*) constructing, altering and maintaining streets, culverts, markets, slaughter-houses, latrines, privies, urinals, drains, drainage work and sewerage works :

(i) planting and maintaining streets on road sides and other public places ;

(j) providing or arranging for a sufficient supply of pure and wholesome water, guarding from polution water used for human consumption and preventing polluted water from being so used ;

(k) registering births and deaths ;

(l) establishing and maintaining a system of public vaccination ;

(m) establishing and maintaining or supporting public hospitals and dispensaries and providing public medical relief :

(n establishing and maintaining primary schools ;

(o) rendering assistance in extinguishing fires, and protecting life and property when fires occur ;

(p) maintaining and developing the value of property vested in or entrusted to the management of the Cantonment Authority ; and

(q) fulfilling any other obligation imposed upon it by or under this Act, or any other law for the time being in force.

Discretionary functions of Cantonment Authority.

117. A Cantonment Authority may, within the cantonment, make provision for—

(a) laying out in areas whether previously built upon or not new streets, and acquiring land for that purpose and for the construction of buildings and compounds of buildings, to about on such streets ;

(b) constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility ;

(c) reclaiming unhealthy localities ;

(d) furthering educational objects by measures other than the establishment and maintenance of primary schools ;

(e) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics ;

(f) making a survey ;

(g) giving relief on the otccurrence of local epidemics by che establishment or maintenance of relief works or otherwise ;

(h) securing or assisting to secure suitable places for the carrying on of any offensive, dangerous or obnoxious trade, calling or occupation ;

(i) establishing and maintaining a farm or other place for the disposal of sewage ;

(j) constructing, subsidising or guaranteeing tramways or other means of locomotion, and electric lighting or electric power works ;

(k) adopting any measure, other than a measure specified in section 116 or in the foregoing provisions of this section, likely to promote the safety, health or convenience of the inhabitants of the cantonment ; or

(l) the doing of anything on which expenditure is declared by the Local Government, or by the Cantonment Authority with the sanction of the Local Government to be an appropriate charge on the cantonment fund.

CHAPTER IX.

PUBLIC SAFETY AND SUPPRESSION OF NUISANCES.

General Nuisance.

118. (1) Whoever—

Penalty for causing nuisances.

(a) in any street or other public place within a cantonment,—

(i) is drunk and disorderly or drunk and incapable of taking care of himself ; or

(ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned ; or

(iii) eases himself or wilfully or indecently exposes his person ; or

(iv) loiters or begs importunately for alms ; or

(v) exposes or exhibits, with the object of exciting charity any deformity or disease or any offensive sore or wound ; or

(vi) carries meat exposed to public view ; or

(vii) is found gaming ; or

(viii) pickets animals, or collects carts ; or

(ix) being engaged in the removal of nightsoil or other offensive matter or rubbish, wilfully or negligently permits any portion thereof to spill or fall, or neglects to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place ; or

(x) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document ; or

(*xi*) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing; or

(*xii*) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act; or

(*xiii*) without proper authority displaces, damages, or makes any alteration in, or otherwise interferes with, the pavement, gutter, stormwater-drain, flags or other materials of any such street, or any lamp, bracket, direction-post, hydrant or water-pipe maintained by the Cantonment Authority in any such street or public place, or extinguishes a public light; or

(*xiv*) carries any corpse not decently covered or without taking due precautions to prevent risk of infection or injury to the public health or annoyance to passers-by or to persons dwelling in the neighbourhood; or

(*xv*) carries night-soil or other offensive matter or rubbish at any hour prohibited by the Cantonment Authority by public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the Cantonment authority, or fails to close such cart or receptacle when in use; or

(*b*) carries night-soil or other offensive matter or rubbish along any route in contravention of any prohibition made in this behalf by the Cantonment Authority by public notice; or

(*c*) deposits, or causes or permits to be deposited, earth or materials of any description, or any offensive matter or rubbish, in any place not intended for the purpose in any street or other public place or waste or unoccupied land under the management of the Cantonment Authority; or

(*d*) having charge of a corpse fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death; or

(*e*) makes any grave or buries or burns any corpse in any place not set apart for such purpose; or

(*f*) keeps or uses, or knowingly permits to be kept or used, any place as a common gaming house or assists in conducting the business of any common gaming house; or

(*g*) at any time or place at which the same has been prohibited by the Cantonment Authority by public or special notice, beats a drum or tom-tom, or blows a horn or trumpet, or beats any utensil, or sounds any brass or other instrument, or plays any music; or

(*h*) disturbs the public peace or order by singing, screaming or shouting; or

(*i*) lets loose any animal so as to cause, or negligently allows any animal to cause injury, danger, alarm or annoyance to any person; or

(*j*) being the occupier of any building or land in or upon which an animal dies, neglects within three hours of the death of the animal, or, if the death occurs at night, within three hours after sunrise, either—

(*i*) to report the occurrence to the Executive Officer or to an officer, if any, appointed by him in this behalf with a view to securing the removal and disposal of the carcase by the public conservancy establishment, or

(*ii*) to remove and dispose of the carcase in accordance with any general directions given by the Cantonment Authority by public notice or any special directions given by the Executive Officer on receipt of such report as aforesaid; or

(*k*) save with the written permission of the Cantonment Authority and in such manner as it may authorize, stores or uses night-soil, manure, rubbish or any other substance emitting an offensive smell; or

(*l*) uses or permits to be used as a latrine any place not intended for that purpose;

shall be punishable with fine which may extend to fifty rupees.

(*2*) Whoever does not take reasonable means to prevent any child under the age of twelve years, being in his charge, from easing himself in any street or other public place within the cantonment shall be punishable with fine which may extend to twenty-five rupees.

(*3*) The owner or keeper of any animal found picketed or straying without a keeper in a street or other public place in a cantonment shall be punishable with fine which may extend to twenty rupees.

(*4*) Any animal found picketed as aforesaid may be removed by any officer or servant of the Cantonment Authority or by any police officer to a pound as if the animal had been found straying.

Dogs.

Registration and control of dogs.

119. (*1*) A Cantonment Authority may make bye-laws to provide for the registration of all dogs kept within the cantonment.

(2) Such bye-laws shall—

(a) require the registration, by the Officer Commanding each military unit of all dogs kept in the lines occupied by that unit ;

(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority, and fix the fee payable for the issue thereof ;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose ; and

(d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed, and the fee in respect thereof is paid, within one week ;

and may provide for such other matters as the Cantonment Authority thinks fit.

(3) A Cantonment Authority may—

(a) cause to be destroyed, or to be confined for such period as that Authority may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies ;

(b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be destroyed, and cause them to be destroyed accordingly.

(4) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

(5) Whoever, being the owner or person in charge of any dog, neglects to restrain it so that it shall not be at large in any street without being muzzled and without being secured by a chain lead, in any case in which—

(a) he knows that the dog is likely to annoy or intimidate any person, or

(b) the Cantonment Authority has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads,

shall be punishable with fine which may extend to one hundred rupees.

(6) Whoever in a cantonment—

(a) allows any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or

(b) sets on or urges any dog or other animal to attack, worry or intimidate any person, or

(c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, neglects to give immediate information of the fact to the Executive Officer or gives information which is false,

shall be punishable with fine which may extend to two hundred rupees.

Traffic.

120. Rule of the road. Whoever in driving, leading or propelling a vehicle along a street fails, except in a case of actual necessity,—

(a) to keep to the left when passing a vehicle coming from the opposite direction, or

(b) to keep to the right when passing a vehicle going in the same direction as himself,

shall be punishable with fine which may extend to fifty rupees.

Prevention of Fire, etc.

121. Use of inflammable materials for building purposes. (1) A Cantonment Authority may, by public notice, direct that within such limits in the cantonment as may be specified in the notice, the roofs and external walls of huts or other buildings shall not, without the permission in writing of the Cantonment Authority, be made or renewed of grass, mats, leaves or other inflammable materials, and may, by notice in writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roofs or walls so made or renewed.

(2) A Cantonment Authority may, by notice in writing, require the owner of any building in the cantonment which has an external roof or wall made of any such material as aforesaid to remove such roof or wall within such time as may be specified in the notice, notwithstanding that a public notice under sub-section (1) has not been issued or that such roof or wall was made with the consent of the Cantonment Authority or before the issue of such public notice :

Provided that in the case of any such roof or wall in existence before the issue of such a public notice or made with the consent of the Cantonment Authority, that authority shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal.

122. Stacking or collecting inflammable materials. A Cantonment Authority may, by public notice, prohibit in any case where such prohibition appears to it to be necessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials or the placing of mats

or thatched huts or the lighting of fires in any place in the cantonment, or within any limits therein, which may be specified in the notice.

Care of naked lights.

123. No person shall set a naked light on or near any building in any street or other public place in a cantonment in such manner as to cause danger of fire:

Provided that nothing in this section shall be deemed to prohibit the use, subject to the permission in writing of the Cantonment Authority, of lights for purposes of illumination on the occasion of a festival or public or private entertainment.

Regulation of cinematographic and dramatic performances.

124. (*1*) Notwithstanding anything contained in the Cinematograph Act, 1918, no exhibition of pictures or other optical effects by means of a cinematograph or other like apparatus for the purpose of which inflammable films are used, and no public dramatic performance or pantomime, shall be given in any cantonment elsewhere than in premises for which a licence has been granted by the Cantonment Authority under this section.

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(*2*) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes any part in any public dramatic performance or pantomime, in contravention of the provisions of this section, or if the occupier of any premises allows them to be used in contravention of the provisions of this section or of any condition of any licence granted under this section, he shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to fifty rupees for each day after the first during which the offence continues.

(*3*) Nothing in this section shall be deemed to prohibit the giving of any exhibition or any dramatic performance or pantomime in any theatre or institute which is the property of Government where the exhibition, performance or pantomime is held with the permission and under the control of the military authorities.

Discharging fire-works, fire-arms, etc.

125. Whoever in a cantonment discharges any fire-arm or lets off fire-works or fire-balloons or engages in any game in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property shall be liable to fine which may extend to fifty rupees.

Power to require buildings, wells, etc., to be rendered safe.

126. Where in a cantonment any building, or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is, in the opinion of the Cantonment Authority, for want of sufficient repairs, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the Cantonment Authority may, by notice in writing, require the owner thereof to repair, protect or enclose the same in such manner as it thinks necessary; and, if the danger is, in the opinion of the Cantonment Authority, imminent, it shall forthwith take such steps as it thinks necessary to avert the same.

Enclosure of waste land used for improper purposes.

127. A Cantonment Authority may, by notice in writing, require the owner or part owner, or person claiming to be the owner or part owner, of any building or land in the cantonment, or the lessee or the person claiming to be the lessee of any such land, which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or is used for gaming or immoral purposes, or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

CHAPTER X.

SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE.

Sanitary Authorities.

Responsibility for sanitation.

128. The following officers shall, for the purposes of sanitation, have control over, and be responsible for maintaining in a sanitary condition, those parts of a cantonment, respectively, which are specified in the case of each, that is to say:—

(*a*) the Commanding Officer of the cantonment—all buildings, and lands which are occupied or used for military purposes;

(*b*) the Officer Commanding the air-forces in the cantonment—all buildings and lands which are occupied or used for air force purposes;

(*c*) the head of any civil department or railway administration occupying as such any part of the cantonment—all buildings and lands in his charge as head of that department or administration.

General duties of Health Officer.

129. (*1*) The Health Officer shall exercise a general sanitary supervision over the whole cantonment and shall submit monthly to the Cantonment Authority a report as to the sanitary condition of the cantonment, together with such recommendations in connection therewith as he thinks fit.

(*2*) The Assistant Health Officer shall perform such duties in connection with the sanitation of the cantonment as are, subject to the control of the Cantonment Authority, allotted to him by the Health Officer.

Conservancy and Sanitation.

Public latrines, urinals, and conservancy establishments.

130. All public latrines and urinals provided or maintained by a Cantonment Authority shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and

shall be provided with all necessary conservancy establishments, and shall regularly be cleansed and kept in proper order.

131. (*1*) On the application or with the consent of the occupier of any building or land, or, where the occupier of any building or land fails to make arrangements to the satisfaction of the Cantonment Authority for the matters referred to in this section, without such consent, and after giving notice in writing to the occupier, a Cantonment Authority may undertake the house scavenging of any building or land in the cantonment for such period as it thinks fit on such terms as it may prescribe in this behalf.

Power of Cantonment Authority to undertake private conservancy arrangements.

(2) Where the Cantonment Authority has undertaken the duties referred to in this section, all matter removed in the performance of such duties shall be the property of that Authority.

(3) For the purposes of this section, "house scavenging" means the removal of filth or rubbish or other offensive matter from a privy, latrine, urinal, drain, cess-pool, or other common receptacle for such matter.

132. (*1*) Every Cantonment Authority shall provide or appoint, in proper and convenient situations, public receptacles, depôts or places for the temporary deposit or disposal of household rubbish, offensive matter, carcases of dead animals, and sewage.

Deposit and disposal of rubbish, etc.

(2) The Cantonment Authority may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (*1*) may be removed along a street or may be deposited or otherwise disposed of.

(3) All matter deposited in receptacles, depots or places provided or appointed under this section shall be the property of the Cantonment Authority.

133. The Executive Officer of any Cantonment may, by notice in writing,—

Cess-pools, receptacles for filth, etc.

(*a*) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—

(*i*) to close any cess-pool appertaining to the land or building which is, in the opinion of the Executive Officer, a nuisance, or

(*ii*) to keep in a clean condition, in such manner as may be prescribed by the notice, any receptacle for filth or sewage accumulating on the land or in the building, or

(*iii*) to prevent the water of any private latrine, urinal, sink or bath-room, or any other offensive matter, from soaking, draining or flowing, or being put, from the land or building upon any street or other public place, or into any water-course or into any drain not intended for the purpose, or

(*iv*) to collect and deposit for removal by the conservancy establishment of the Cantonment Authority, within such time and in such receptacle or place, situate at not more than one hundred feet from the nearest boundary of the premises, as may be specified in the notice, any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land; or

(*b*) require any person to desist from making or altering any drain leading into a public drain; or

(*c*) require any person having the control of a drain in the cantonment to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

134. (*1*) Where any well, tank, cistern, reservoir, receptacle, or other place in the cantonment where water is stored or accumulates, whether within any private enclosure or not, is in such a condition as to create a nuisance or, in the opinion of the Health Officer, or the Assistant Health Officer, is or is likely to be a breeding place for mosquitoes, the Cantonment Authority may, by notice in writing, require the owner, lessee or occupier thereof within such period as may be specified in the notice, to fill up or cover the well, cistern, reservoir or receptacle, or to fill up the tank, or to drain off or remove the water, as the case may be.

Filling up of tank, etc.

(2) The Cantonment Authority may, if it thinks fit, with the previous sanction of the Officer Commanding the District, meet the whole or any portion of the expenses incurred in complying with a requisition under subsection (*1*).

135. A Cantonment Authority may, by notice in writing, require the owner or lessee of any building or land in the cantonment to provide, in such manner as may be specified in the notice, any latrine, urinal, cess-pool, dust-bin or other receptacle for filth, sewage, or rubbish, or any additional latrine, urinal, cess-pool or other receptacle as aforesaid, which should, in its opinion, be provided for the building or land.

Provision of latrines, etc.

136. Every person employing, whether on behalf of the Government or otherwise, more than ten workmen or labourers, and every person managing or having control of a market, school, theatre or other place of public resort, in a cantonment shall give notice of the fact to the Cantonment Authority, and shall provide such latrines and urinals, and shall employ such number of sweepers, as the Cantonment Authority thinks fit, and shall cause the latrines and urinals to be kept clean and in proper order:

Sanitation in factories, etc.

Provided that nothing in this section shall apply in the case of a factory to which the **Indian Factories Act, 1911, applies.** **XII of 9111.**

137. A Cantonment Authority may, by notice in writing,—

Private latrines.

(a) require the owner or other person having the control of any private latrine or urinal in the cantonment not to put the same to public use ; or

(b) where any plan for the construction of private latrines or urinals has been approved by the Cantonment Authority, and copies thereof may be obtained free of charge on application,—

(i) require any person repairing or constructing any such private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the Health Officer and approved by him as conforming with such plan, or

(ii) require any person having control of any such private latrine or urinal to re-build or alter the same in accordance with such plan ; or

(c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the Cantonment Authority, constitutes a nuisance, to remove the latrine or urinal ; or

(d) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—

(i) to have any latrines provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or

(ii) to cleanse in such manner as the Cantonment Authority may specify in the notice any latrine or urinal belonging to the land or building ; or

(e) require any person being the owner and having the control of any drain in the cantonment to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

138. (1) Where it appears to a Cantonment Authority that any block of buildings in the cantonment is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness or closeness of the street, or of the want of proper drainage or ventilation, or of the impracticability of cleansing the buildings or other similar cause, it may cause the block to be inspected by a committee consisting of—

Removal of congested buildings.

(a) the Health Officer,

(b) the Civil Surgeon of the district or, if his services are not available, some other medical officer of the Government, and

(c) the Executive Engineer or a person deputed by the Executive Engineer in this behalf.

(2) The committee shall make a report in writing to the Cantonment Authority regarding the sanitary condition of the block, and, if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighbourhood or otherwise to endanger the public health, it shall clearly indicate on a plan verified by the Executive Engineer or the person deputed by him to serve on the committee, the buildings which should in its opinion wholly or in part be removed in order to abate the unhealthy condition of the block.

(3) If, upon receipt of such report, the Cantonment Authority is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them :

Provided that the Cantonment Authority shall make compensation to the owners for any buildings so removed which may have been erected under proper authority :

Provided, further, that the Cantonment Authority may, if it considers it equitable in the circumstances so to do, pay to the owners such sum as it thinks fit as compensation for any buildings so removed which have not been erected under proper authority.

(4) For the purposes of this section "buildings" includes enclosure walls and fences appertaining to buildings.

139. (1) Where it appears to a Cantonment Authority that any building or part of a building in the cantonment which is used as a dwelling house is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing require the owner or occupier of the building or part thereof, as the case may be, within such time not being less than one month as may be specified in the notice, to abate the overcrowding of the same by reducing the number of lodgers, tenants, or other inmates to such number as may be specified in the notice.

Overcrowding of dwelling houses.

(2) Any person who fails without reasonable cause, to comply with a requisition made upon him under sub-section (1) shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, to an additional fine which may extend to five rupees for every day after the first during which the failure has continued.

140. (1) Where any building in a cantonment is so ill-constructed or dilapidated as to be, in the opinion of the Cantonment Authority, in an insanitary state, the Cantonment Authority may, by notice in writing, require the owner, within such time as may be specified in the notice, to execute such repairs or to make such alterations as it thinks necessary for the purpose of removing such defects.

Power to require repair or alteration of building.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted on the building to which it relates.

(3) A notice issued under sub-section (1) shall be deemed to have been complied with if the owner of the building to which it relates has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

Power to require land or building to be cleansed.

141. (1) The Executive Officer may, by notice in writing, require the owner, lessee or occupier of any building or land in the cantonment, which appears to him to be in a filthy or insanitary state, within twenty-four hours to cleanse the same or otherwise put it in a proper state, in such manner as may be specified in the notice.

(2) If, within three months from the date of the service of a notice under sub-section (1), any building or land in respect of which the notice was issued is again in a filthy or insanitary state, the owner, lessee or occupier, as the case may be, shall be punishable with fine which may extend to two hundred rupees.

Power to order disuse of house.

142. If a Cantonment Authority is satisfied that any building or part of a building in the cantonment which is intended for or used as a dwelling place is unfit for human habitation, it may cause a notice to be posted on some conspicuous part of the building prohibiting the owner or occupier thereof from using the building or room for human habitation, or allowing it to be so used, until it has been rendered fit for such use to the satisfaction of the Cantonment Authority.

Removal of noxious vegetatiom.

143. A Cantonment Authority may, by notice in writing, require the owner, lessee, or occupier of any land in the cantonment to clear away and remove any thick or noxious vegetation or undergrowth which appears to it to be injurious to health or offensive to persons residing in the neighbourhood.

Agriculture and irrigation.

144. Where, in the opinion of a Cantonment Authority, the cultivation in the cantonment of any description of crop or the use therein of any kind of manure or the irrigation of any land therein in any specified manner is likely to be injurious to the health of persons dwelling in the neighbourhood, the Cantonment Authority may, by public notice, prohibit such cultivation, use or irrigation after such date as may be specified in the notice, or may, by a like notice, direct that it shall be carried out subject to such conditions as the Cantonment Authority thinks fit:

Provided that if, when a notice is issued under this section, any land to which it relates has been lawfully prepared for cultivation or any crop is sown therein or is standing thereon, the Cantonment Authority shall, if it directs that the notice is to take effect on a date earlier than that by which the crop would ordinarily be sown or reaped, as the case may be, make compensation to all persons interested in the land or crop for the loss, if any, incurred by them respectively by reason of compliance with the notice.

Burial and Burning Grounds.

Power to call for information regarding burial and burning grounds.

145. A Cantonment Authority may, by notice in writing, require the owner or person in charge of any burial or burning ground in the cantonment to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

Permission for use of new burial or burning ground.

146. (1) No place in a cantonment which has not been used as a burial or burning ground before the commencement of this Act shall be so used without the permission in writing of the Cantonment Authority.

(2) Such permission may be granted subject to any conditions which the Cantonment Authority thinks fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons residing in the neighbourhood.

Power to require closing of burial or burning ground.

147. (1) Where a Cantonment Authority, after making or causing to be made local inquiry, is of opinion that any burial or burning ground in the cantonment has become offensive to, or dangerous to the health of, persons living in the neighbourhood, it may, with the previous sanction of the Local Government, by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.

(2) Where the Local Government sanctions the issue of any notice under sub-section (1), it shall declare the conditions on which the burial or burning ground may be reopened, and a copy of such declaration shall be annexed to the notice.

(3) Where the Local Government sanctions the issue of any such notice, it shall require a new burial or burning ground to be provided at the expense of the cantonment fund, or, if the community concerned is willing to provide a new burial or burning ground, the Local Government shall require a grant to be made from the cantonment fund towards the cost of the same.

(4) No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this section is for the time being in force.

Exemption from operation of sections 145 to 147.

148. The provisions of sections 145, 146 and 147 shall not apply in the case of any burial ground which is for the time being managed by or on behalf of the Government.

Removal of corpses.

149. A Cantonment Authority may, by public notice, prescribe routes in the cantonment by which alone corpses may be removed to burial or burning grounds.

Prevention of Infectious or Contagious Diseases.

Obligation to give information of infectious or contagious disease.

150. Whoever, being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon, any person in a cantonment, whom he knows or has reason to believe to be suffering from a contagious or infectious disease, or being the owner, lessee or occupier of any building in a cantonment in which he knows that any such person is so suffering, shall, if he fails to give information, or if he gives false information, to the Cantonment Authority respecting the existence of such disease, be punishable with fine which may extend to one hundred rupees:

Provided that no person shall be punishable under this section for failure to give information if he had reasonable cause to believe that the information had already been duly given:

Provided, further, that this section shall not apply in the case of venereal disease where the person suffering therefrom is under specific and adequate medical treatment and is, by reason of his habits and conditions of life and residence, unlikely to spread the disease.

Special measures in case of outbreak of infectious or epidemic disease.

151. (*1*) In the event of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Officer Commanding the District if he thinks that the provisions of this Act or of any law for the time being in force in the cantonment are insufficient for the purpose, may, with the previous sanction of the Local Government,—

(*a*) take such special measures, and

(*b*) by public notice, make such temporary regulations to be observed by the public or by any class or section of the public,

as he thinks necessary to prevent the outbreak or the spread of the disease.

(*2*) Whoever commits a breach of any temporary regulation made under sub-section (*1*) shall be deemed to have committed an offence under section 188 of the Indian Penal Code. of 1860.

Power to require names of dairyman's customers.

152. Where it is certified to the Executive Officer by a medical practitioner that the outbreak or spread of any infectious or contagious disease in the cantonment is, in the opinion of such medical practitioner, attributable to the milk supplied by any dairyman, the Executive Officer may, by notice in writing, require the dairyman, within such time as may be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers within the cantonment or to give him such information as will enable him to trace the persons to whom the dairyman has sold milk.

Power to require names of a washerman's customers.

153. Where it is certified to the Executive Officer by the Health Officer that it is desirable, with a view to prevent the spread of any infectious or contagious disease in the cantonment, that the Health Officer should be furnished with a list of the customers of any washerman, the Executive Officer may, by notice in writing, require the washerman, within a time to be specified in the notice, to furnish the Health Officer with a full and complete list of the names and addresses of all owners within the cantonment of clothes and other articles which the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

Report after inspection of dairy or washerman's place of business.

154. Where, after inspection, the Health Officer is of opinion that any infectious or contagious disease is caused or is likely to arise in the cantonment from the consumption of the milk supplied from a dairy or from the washing of clothes or other articles in any place, or from any process employed by a washerman, he shall report the matter to the Executive Officer.

Action on report submitted by Health Officer.

155. Upon receipt of a report submitted by the Health Officer under section 154, the Executive Officer may, by notice in writing—

(*a*) prohibit the supply of milk from the dairy until the notice has been withdrawn; or

(*b*) prohibit the washerman from washing clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner or washes by such process, as the Executive Officer may direct in the notice.

Examination of milk or washed clothes.

156. The Health Officer may take possession of any milk, clothes or other articles which are or have recently been in the possession of any dairyman on whom a notice has been served under section 152, or of any clothes or other articles which are or have recently been in the possession of any washerman, on whom a notice has been served under section 153, and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the Cantonment Authority shall pay from the cantonment fund all the costs of the process and shall also pay to the owner of the milk, clothes or other articles such sum as compensation for any loss occasioned by such process as may appear to it to be reasonable.

Contamination of public conveyance.

157. Whoever in a cantonment—

(*a*) uses a public conveyance while suffering from an infectious or contagious disease, or

(b) uses a public conveyance for the carriage of a person who is suffering from any such disease, or

(c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disease,

shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to the owner, driver or person in charge of the conveyance and further to report without delay to the Executive Officer the number of the conveyance and the name of the person so notified.

Disinfection of public conveyance.

158. (1) Where any person suffering from, or the corpse of any person who has died from, an infectious or contagious disease has been carried in a public conveyance which ordinarily plies in a cantonment, the driver thereof shall forthwith report the fact to the Executive Officer who shall forthwith cause the conveyance to be disinfected if that has not already been done.

(2) No such conveyance shall be brought again into use until the Executive Officer has granted a certificate stating that it can be used without causing risk of infection.

Penalty for failure to report.

159. Whoever fails to make to the Executive Officer any report which he is required to make by section 157 or section 158, shall be punishable with fine which may extend to one hundred rupees.

Driver of conveyance not bound to carry person suffering from infectious or contagious disease.

160. Notwithstanding anything contained in any law for the time being in force, no owner, driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of a cantonment any person suffering from an infectious or contagious disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum sufficient to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

Disinfection of building or articles therein.

161. Where a Cantonment Authority is, upon the advice of the Health Officer, of opinion that the cleansing and disinfection of any building or part of a building in the cantonment or of any articles in any such building or part which are likely to retain infection, or the renewal of the flooring of any such building or part of such building, would tend to prevent or check the spread of any infectious or contagious disease, he may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, as the case may be, or to renew the said flooring, within such time as may be specified in the notice.

Provided that where, in the opinion of the Cantonment Authority, the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the Cantonment Authority may, at the expense of the cantonment fund, cleanse and disinfect the building, part or articles, or, as the case may be, renew the flooring.

Destruction of infectious hut or shed.

162. (1) Where the destruction of any hut or shed in a cantonment is, in the opinion of the Cantonment Authority, necessary to prevent the spread of any infectious or contagious disease, the Cantonment Authority may, by notice in writing, require the owner to destroy the hut or shed and the materials thereof within such time as may be specified in the notice.

(2) Where the President of a Board or, where there is no Board, the Commanding Officer of the cantonment is satisfied that the destruction of any hut or shed in the cantonment is immediately necessary for the purpose of preventing the spread of any infectious or contagious disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith or may himself cause it to be destroyed after giving not less than two hours' notice to the owner or occupier thereof.

(3) The Cantonment Authority shall pay compensation to the owner of any hut or shed destroyed under this section.

Temporary shelter for inmates of disinfected or destroyed building or shed.

163. The Cantonment Authority shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or contagious disease has appeared who have been compelled to leave their dwelling by reason of any proceedings taken under section 161 or section 162, and who desire such shelter or accommodation as aforesaid to be provided for them.

Disinfection of building before letting the same.

164. (1) Where in a cantonment any building or part of a building is intended to be let in which any person has, within the six weeks immediately preceding, been suffering from an infectious or contagious disease, the person letting the building or part shall before doing so disinfect the same in such manner as the Cantonment Authority may, by public or special notice, direct, together with all articles therein liable to retain infection.

(2) For the purposes of this section, the keeper of an hotel, lodging house or sarai shall be deemed to let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

Disposal of infected article without disinfection.

165. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any infectious or contagious disease and is likely to be used in, or taken into, a cantonment.

Means of disinfection.

166. (*1*) Every Cantonment Authority shall—

(*a*) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection;

(*b*) cause conveyances, clothing or other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as it may fix.

(*2*) A Cantonment Authority may notify places at which articles of clothing, bedding, conveyances or other articles which have been exposed to infection shall be washed, and if it does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.

(*3*) The President of a Board or, where there is no Board, the Commanding Officer of the cantonment, may direct the destruction of any clothing, bedding or other article in the cantonment likely to retain infection and may give such compensation as he thinks fit for any article so destroyed.

Making or selling of food, etc., or washing clothes by infected person.

167. Whoever, while suffering from, or in circumstances in which he is likely to spread, any infectious or contagious disease,—

(*a*) makes, carries or offers for sale in a cantonment or takes any part in the business of making, carrying or offering for sale therein any article of food or drink or any medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear, or

(*b*) takes any part in the business of the washing or carrying of clothes,

shall be punishable with fine which may extend to one hundred rupees.

Power to restrict or prohibit sale of food or drink.

168. When a cantonment is visited or threatened by an outbreak of any infectious or contagious disease, the Cantonment Authority may, by public notice, restrict in such manner or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of any flesh of any description of animals so specified.

Control over wells, tanks, etc.

169. (*1*) If a Cantonment Authority is of opinion that the water in any well, tank or other place is likely, if used for drinking, to engender, or cause the spread of, any disease, it may,—

(*a*) by public notice, prohibit the removal or use of such water for drinking;

(*b*) by notice in writing, require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water; or

(*c*) take such other steps as it may consider expedient to prevent the outbreak or spread of any such disease.

(*2*) In the event of a cantonment or any part of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease, the Health Officer or any person authorized by him in this behalf may, without notice and at any time inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking, and may further take such steps as he thinks fit to ensure the purity of the water or to prevent the use of the same for drinking purposes.

Disposal of infectious corpse.

170. Where any person has died in a cantonment from any infectious or contagious disease, the Executive Officer may, by notice in writing,—

(*a*) require any person having charge of the corpse to convey the same to a mortuary thereafter to be disposed of in accordance with law; or

(*b*) prohibit the removal of the corpse from the place where death occurred except for the purpose of being buried or burned or of being conveyed to a mortuary.

Hospitals and Dispensaries.

Maintenance or aiding of hospitals or dispensaries.

171. (*1*) A Cantonment Authority may—

(*a*) provide and maintain either within or without the cantonment as many hospitals and dispensaries as it thinks fit; or

(*b*) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary, whether within or without the cantonment, not maintained by it.

(*2*) Every hospital or dispensary maintained or aided under sub-section (*1*) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious disease.

(*3*) A medical officer, appointed in such manner as the Local Government may direct, shall be in charge of every hospital or dispensary maintained or aided under this section.

Medical supplies, appliances, etc.

172. (*1*) Every hospital or dispensary maintained or aided under section 171 shall be maintained in accordance with any general or special orders of the Governor-General in Council or the Local Government for the conduct of hospitals and dispensaries or in accordance with the said orders modified in such manner as the Governor-General in Council or the Local Government, as the case may be, thinks fit.

(2) The Cantonment Authority shall cause every such hospital or dispensary to be provided with all requisite drugs, instruments, apparatus, furniture and appliances and with sufficient cots, bedding and clothing for in-patients.

Free patients.

173. At every hospital or dispensary maintained or aided under section 171, the sick poor of the cantonment, and other inhabitants of the cantonment suffering from infectious or contagious diseases, and, with the sanction of the Cantonment Authority, any other sick persons, may receive medical treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, if the medical officer in charge so directs, shall be granted subsistence allowance on such scale as the Cantonment Authority may fix :

Provided that the subsistence allowance shall not be less than the lowest allowance for the time being fixed for the subsistence of judgement debtors by the Local Government under section 57 of the Code of Civil Procedure, 1908.

Paying patients.

174. Any sick person who is ineligible to receive medical treatment free of cost in any hospital or dispensary under section 173 may be admitted to treatment therein upon such terms as the Cantonment Authority thinks fit.

Power to order person to attend hospital or dispensary.

175. (1) If the medical officer in charge of a hospital or dispensary maintained or aided under section 171 has reason to believe that any person living in the cantonment is suffering from an infectious or contagious disease, he may, if he thinks necessary, by notice in writing, call upon such person to attend at the hospital or dispensary at such time as may be specified in the notice and not to quit it without the permission of the medical officer in charge, or may take such other measures or give such other directions in the matter as he thinks necessary.

(2) On the arrival of any such person at the hospital or dispensary, the medical officer may examine him for the purpose of satisfying himself whether or not such person is suffering from an infectious or contagious disease, and, if he is found to be so suffering, the medical officer may cause him to be detained in the hospital until he is free from the infection or contagion or may, if, having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, he considers that the attendance of such person at the hospital or dispensary is inexpedient, discharge such person and take such measures or give such directions in the matter as he thinks necessary.

Power to exclude from cantonment persons refusing to attend hospital or dispensary.

176. (1) If the medical officer in charge of a hospital or dispensary maintained or aided under section 171 reports in writing to the Commanding Officer of the cantonment that any person having received a notice under section 175 has refused or omitted to attend at the hospital or dispensary, or that such person having attended the hospital or dispensary, has quitted it without the permission of such medical officer, or has failed to comply with any direction given under section 175, the Commanding Officer of the cantonment may, by order in writing, direct such person to remove from the cantonment within twenty-four hours and not to re-enter it without his permission in writing.

(2) No person who has under sub-section (1) been ordered to remove from and not to re-enter a cantonment shall enter any other cantonment in British India without the written permission of the Commanding Officer of that cantonment.

Control of Traffic for hygienic purposes.

Routes for pilgrims and others.

177. (1) A Cantonment Authority may provide or prescribe suitable routes for the use of persons passing through the cantonment—

(a) on their way to or from fairs or places of pilgrimage or other places of public resort ; or

(b) during times when an infectious or contagious disease is prevalent ;

and may, by public notice require such persons as aforesaid to use such routes and no others.

(2) All routes provided or prescribed under sub-section (1) shall be clearly and sufficiently indicated by the Cantonment Authority.

Special Conditions regarding Essential Services.

Conditions of service of sweepers.

178. (1) Whoever, being a sweeper employed by a Cantonment Authority, in the absence of a written contract authorising him so to do and without reasonable cause, resigns his employment or absents himself from his duty, without having given one month's notice to the Cantonment Authority, or neglects or refuses to perform his duties, or any of them, shall be punishable with imprisonment which may extend to one month.

(2) The Local Government may, by notification in the local official Gazette, direct that on and from such date as may be specified in the notification, the provisions of this section shall apply in the case of any specified class of servants employed by a Cantonment Authority whose functions intimately concern the public health or safety.

(3) For the purposes of this section, "sweeper" includes any menial servant employed by a Cantonment Authority in the removal or disposal of filth or rubbish.

CHAPTER XI.

CONTROL OVER BUILDINGS, STREETS, BOUNDARIES, TREES, ETC.

Buildings.

Notice of new buildings.

179. (1) Whoever intends to erect or re-erect any building in a cantonment shall give notice in writing of his intention to the Cantonment Authority.

(2) For the purposes of this Act, a person shall be deemed to erect or re-erect a building who—

(a) makes any material alteration or enlargement of any building, or

(b) converts into a place for human habitation any building not originally constructed for that purpose, or

(c) converts into more than one place for human habitation a building originally constructed as one such place, or

(d) converts two or more places of human habitation into a greater number of such places, or

(e) converts into a stable cattle-shed or cow-house any building originally constructed for human habitation, or

(f) makes any alteration which he has reason to believe is likely to affect prejudicially the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene, or

(g) makes any alteration to any building which increases or diminishes the height of or area covered by, or the cubic capacity of, the building, or which reduces the cubic capacity of any room in the building below the minimum prescribed by any bye-law made under this Act.

Conditions of valid notice.

180. (1) A person giving the notice required by section 179 shall specify the purpose for which it is intended to use the building to which such notice relates.

(2) No notice shall be valid until the information required under sub-section (1) and any further information and plans which may be required under bye-laws made under this Act have been furnished to the satisfaction of the Cantonment Authority along with the notice.

Power of Cantonment Authority to sanction or refuse.

181. The Cantonment Authority may either refuse to sanction the erection or re-erection, as the case may be, of the building or may sanction it either absolutely or subject to such directions as it thinks fit to make in writing in respect of all or any of the following matters, namely :—

(a) the free passage or way to be left in front of the building;

(b) the space to be left about the building to secure free circulation of air and facilitate scavenging and the prevention of fire;

(c) the ventilation of the building, the minimum cubic area of the rooms, and the number and height of the storeys of which the building may consist;

(d) the provision and position of drains, latrines, urinals, cess-pools or other receptacles, for filth;

(e) the level and width of the foundation, the level of the lowest floor and the stability of the structure;

(f) the line of frontage with neighbouring buildings if the building abuts on a street;

(g) the means to be provided for egress from the building in case of fire;

(h) the materials and method of construction to be used for external and party walls for rooms, floors, fire-places and chimneys;

(i) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on; and

(j) any other matter affecting the ventilation and sanitation of the building;

and the person erecting or re-erecting the building shall obey all such written directions in every particular.

(2) If the Cantonment Authority decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom the notice was given.

(3) Where the Cantonment Authority neglects or omits, for six weeks after the receipt of a valid notice to make and deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter, by a written communication, calls the attention of the Cantonment Authority to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication, the Cantonment Authority shall be deemed to have given sanction to the erection or re-erection, as the case may be, unconditionally.

(4) The Cantonment Authority may refuse to sanction the erection or re-erection of any building either on grounds affecting the particular building or in pursuance of a general scheme sanctioned by the Officer Commanding-in-Chief, the Command, restricting the erection or re-erection of buildings within specified limits for the prevention of overcrowding or in the interests of persons residing within such limits or for any other public purpose.

Compensation.

182. (1) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the Cantonment Authority or sanction to the erection of any building or in respect of any direction issued by it under sub-section (1) of section 181.

(2) The Cantonment Authority shall make compensation to the owner of any building for any damage or loss sustained by him in consequence of the prohibition of the re-erection of any building or of its requiring any land belonging to him to be added to the street, or if the refusal is on the ground that the building is unsuitable in plan or design to the locality or is intended for a purpose unsuitable to the locality :

Provided that the Cantonment Authority shall not be liable to make any compensation in respect of the prohibition of the re-erection of any building which for a period of three years or more immediately preceding such refusal has not been in existence or has been unfit for human habitation.

Lapse of sanction.

183. Every sanction for the erection or re-erection of a building given or deemed to have been given by the Cantonment Authority as hereinbefore provided shall be available for one year from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or some one lawfully claiming under him within that period, it shall not thereafter be begun without fresh sanction obtained in the manner hereinbefore provided.

Illegal erection and re-erection.

184. Whoever begins, continues or completes the erection or re-erection of a building—

(*a*) without having given a valid notice as required by sections 179 and 180, or before the building has been sanctioned or is deemed to have been sanctioned, or

(*b*) without complying with any direction made under sub-section (*1*) of section 181, or

(*c*) when sanction has been refused, or has ceased to be available,

shall be punishable with fine which may extend to five hundred rupees.

Power to stop erection or re-erection or to demolish.

185. A Cantonment Authority may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the Cantonment Authority considers that such erection or re-erection is an offence under section 184, and may in any such case in like manner direct the alteration or demolition, as it thinks necessary, of the building, or any part thereof, so erected or re-erected:

Provided that the Cantonment Authority may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable.

Power to make bye-laws.

186. A Cantonment Authority may make bye-laws prescribing—

(*a*) the manner in which notice of the intention to erect or re-erect a building in the cantonment shall be given to the Cantonment Authority and the information and plans to be furnished with the notice;

(*b*) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected in any specified area or areas;

(*c*) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected; and

(*d*) the fees payable on provisions by the Cantonment Authority of plans or specifications of the type of buildings which may be erected in the cantonment or any part thereof.

Projections and obstructions.

187. (*1*) No owner or occupier of any building in a cantonment shall, without the permission in writing of the Cantonment Authority, add to or place against or in front of the building any projection or structure overhanging, projecting into, or encroaching on, any street or any drain, sewer or aqueduct therein.

(*2*) The Cantonment Authority may, by notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid:

Provided that in the case of any projection or encroachment lawfully in existence at the commencement of this *Act*, the Cantonment Authority shall make compensation for any damage caused by the removal or alteration.

(*3*) The Cantonment Authority may, by order in writing give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall at such height from the level ground or street as may be specified in the order.

Unauthorised buildings over drains, etc.

188. A Cantonment Authority may, by notice in writing, require any person who has, without its permission in writing, newly erected or re-erected any building over any public sewer, drain, culvert, water-course or water-pipe in the cantonment to pull down or otherwise deal with the same as it thinks fit.

Drainage and sewer connections.

189. (*1*) A Cantonment Authority may, by notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as the Cantonment Authority thinks fit, to put up and keep in good condition proper troughs and pipes for receiving and carrying rain water from the building or land and for discharging the same or to establish and maintain any other connection or communication between such building or land and any drain or sewer.

(*2*) For the purpose of efficiently draining any building or land in the cantonment, the Cantonment Authority may, by notice in writing, require the owner or lessee of the building or land—

(*a*) to pave, with such materials and in such manner as it thinks fit, any courtyard, ally or passage between two or more buildings, or

(*b*) to keep any such paving in proper repair.

190. A Cantonment Authority may attach to the outside of any building, or to any tree, in the cantonment brackets for lamps in such manner as not to occasion injury thereto or inconvenience.

Power to attach brackets for lamps.

Streets.

191. A Cantonment Authority may, by order in writing, permit the temporary occupation of any street, or of any land vested in the Cantonment Authority, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescrible for the safety or convenience of the public, and may charge a fee for such permission and may in its discretion withdraw such permission.

Temporary occupation of street, land, etc.

192. (*1*) A Cantonment Authority shall not permanently close any street or open any new street without the previous sanction of the Officer Commanding the District.

Closing and opening of streets.

(*2*) A Cantonment Authority may, by public notice, tempororily close any street or any part of a street for repair or for the purpose of carrying out any work connected with drainage, water supply or lighting or any other work which it is by or under this Act required or permitted to carry out :

Provided that where, owing to any works or repairs or from any other cause, the condition of any street or of any water-works, drain, culvert or premises vested in the Cantonment Authority, is such as to be likely to cause danger to the public, the Cantonment Authority shall—

(*a*) take all reasonable means for the protection of the adjacent buildings and land and provide reasonable means of access thereto ;

(*b*) cause sufficient barriers or fences to be erected for the security of life and property, and cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

193. (*1*) A Cantonment Authority may cause a name to be given to any street and to be affixed on any building in the cantonment in such place as it thinks fit, and may also cause a number to be affixed to any such building.

Names of streets and numbers of buildings.

(*2*) Whoever destroys, pulls down, defaces or alters any such name or number or puts up any name or number differing from that put up by the order of the Cantonment Authority shall be punishable with fine which may extend to twenty rupees.

Boundaries and Trees.

194. (*1*) No boundary wall, hedge or fence of any material or description shall be erected in a cantonment without the permission in writing of the Cantonment Authority.

Boundary walls, hedges and fences.

(*2*) A Cantonment Authority may, by notice in writing, require the owner or lessee of any land in the cantonment—

(*a*) to remove from the land any boundary wall, hedge or fence which is, in its opinion, unsuitable, unsightly or otherwise objectionable ; or

(*b*) to construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice ; or

(*c*) to maintain the boundary walls, hedges or fences of such land in good order :

Provided that, in the case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the Cantonment Authority or which was in existence at the commencement of this Act, the Cantonment Authority shall make compensation for any damage caused by the removal thereof.

(*3*) The Cantonment Authority may, by notice in writing, require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be specified in the notice.

195. (*1*) Where, in the opinion of a Cantonment Authority, the felling of any tree of mature growth standing in a private enclosure in the cantonment is necessary for any reason, the Cantonment Authority may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.

Felling lopping and trimming of trees.

(*2*) A Cantonment Authority may—

(*a*) cause to be lopped or trimmed any tree standing on land in the cantonment which belongs to the Government ; or

(*b*) by public notice require all owners, lessees or occupiers of land in the cantonment, or by notice in writing require the owner, lessee or occupier of any such land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

196. Whoever, without the permission in writing of the Cantonment Authority, digs up the surface of any open space in the cantonment, which is not private property, shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing offence, to any additional fine which may extend to five rupees for every day after the first during which the offence continues.

Digging of public land.

197. (*1*) If, in the opinion of a Cantonment Authority, the working of a quarry in the cantonment, or the removal of stone, earth or other material from the

Improper use of land.

soil in any place in the cantonment, is dangerous to persons residing in or frequenting the neighbourhood of such quarry or place, or creates, or is likely to create, a nuisance, the Cantonment Authority may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such making or removal, from continuing or permitting the working of such quarry or the moving of such material, or require him to take such steps in the matter as the Cantonment Authority may direct for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.

(2) If, in any case referred to in sub-section (1) the Cantonment Authority is of opinion that such a course is necessary in order to prevent imminent danger, it may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

CHAPTER XII.

MARKETS, SLAUGHTER-HOUSES, TRADES AND OCCUPATIONS.

Public markets and slaughter-houses.

198. (1) A Cantonment Authority may provide and maintain, either within or without the cantonment, public markets and public slaughter-houses, to such number as it thinks fit, together with stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and maintain in any such market buildings, places, machines, weights, scales and measures for the weighment or measurement of goods sold therein.

(2) When such market or slaughter-house is situated beyond cantonment limits, the Cantonment Authority shall have the same power for the inspection and proper regulation of the same as if it were situated within those limits.

(3) The Cantonment Authority may at any time, by public notice, close any public market or public slaughter-house or any part thereof.

(4) Nothing in this section shall be deemed to authorise the establishment of a public market or public slaughter-house within the limits of any area administered by any local authority other than the Cantonment Authority without the permission of such local authority or otherwise than on such conditions as such local authority may approve.

Use of public market.

199. (1) No person shall, without the general or special permission in writing of the Cantonment Authority, sell or expose for sale any animal or article in any public market.

(2) Any person contravening the provisions of this section, and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Executive Officer or any officer or servant of the Cantonment Authority authorised by it in this behalf.

200. A Cantonment Authority may—

Levy of stallages, rents and fees.

(a) charge for the occupation or use of any stall, shop, standing shed or pen in a public market, or public slaughter-house, or for the right to expose goods for sale in a public market or for weighing or measuring goods sold therein, or for the right to slaughter animals in any public slaughter-house, such stallages, rents and fees as it thinks fit; or

(b) with the sanction of the Officer Commanding the District, farm the stallages, rents and fees leviable as aforesaid or any portion thereof for any period not exceeding one year at a time; or

(c) put up to public auction, or, with the sanction of the Officer Commanding the District, dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a public market or public slaughter-house for such term and on such conditions as it thinks fit.

Stallages, rents, etc., to be published.

201. A copy of the table of stallages, rents and fees, if any, leviable in any public market or public slaughter-house, and of the bye-laws made under this Act for the purpose or regulating the use of such market or slaughter-house, printed in the English language and in such other language or languages as the Cantonment Authority may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

Private markets and slaughter-houses.

202. (1) No place in a cantonment other than a public market shall be used as a market, and no such place other than a public slaughter-house shall be used as a slaughter-house, unless such place has been licensed as a market or slaugter-house, as the case may be, by the Cantonment Authority:

Provided that nothing in this sub-section shall apply in the case of a slaughter-house established and maintained by the Government.

(2) Nothing in sub-section (1) shall be deemed—

(a) to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the Executive Officer with the previous sanction of the District Magistrate may, by public or special notice, impose in this behalf, or

(b) to prevent the Executive Officer, with the sanction of the Cantonment Authority, from setting apart places for the slaughter of animals in accordance with religious custom, when such animals are slaughtered for consumption by the troops or for the purpose of the sale of the flesh thereof to the troops.

(3) Whoever omits to comply with any condition imposed by the Executive Officer under clause (a) of sub-section (2) shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to ten rupees for every day after the first during which the offence is continued.

Conditions of grant of licence for private market or slaughter-house.

203. (1) A Cantonment Authority may charge such fees as it thinks fit to impose for the grant of a licence to any person to open a private market or private slaughter-house in the cantonment, and may grant such licence subject to such conditions, consistent with this Act and any bye-laws made thereunder, as it thinks fit to impose.

(2) The Cantonment Authority may refuse to grant any such licence without giving reasons for such refusal.

Penalty for keeping open private market or slaughter-house without licence, etc.

204. (1) Any person who keeps open for public use any private market or private slaughter-house without obtaining a licence therefor, or while the licence therefor is suspended, or after the same has been cancelled, shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence is continued.

(2) When a licence to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the Cantonment Authority shall cause a notice of the grant, refusal, suspension or cancellation to be posted in English, and in such other language or languages as it thinks necessary, in some conspicuous place by or near the entrance to the place to which the notice relates.

Penalty for using unlicensed market or slaughter-house.

205. Whoever, knowing that any market or slaughter-house has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Act, or that the licence granted therefor is for the time being suspended or that it has been cancelled, sells or exposes for sale any article in such market, or slaughters any animal in such slaughter-house, shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence is continued.

Prohibition and restriction of use of slaughter-houses.

206. (1) Where, in the opinion of the Cantonment Authority, it is necessary on sanitary grounds so to do, it may, by public notice, prohibit for such period, not exceeding one month, as may be specified in the notice, or for such further period, not exceeding one month, as it may specify by a like notice, the use of any private slaughter-house specified in the notice, or the slaughter therein of any animal of any description so specified.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in the slaughter-house to which it relates.

Power to inspect slaughter-houses.

207. (1) Any servant of a Cantonment Authority, authorised by order in writing in this behalf by the President of the Cantonment Board, if any, or the Health Officer, may, if he has reason to believe that any animal has been, is being or is about to be slaughtered in any place in contravention of the provisions of this Chapter, enter into and inspect any such place at any time, whether by day or by night.

(2) Every such order shall specify the place to be entered and the locality in which the same is situated and the period, which shall not exceed seven days, for which the order is to remain in force.

Power to make bye-laws.

208. A Cantonment Authority may, with the approval of the Local Government, make bye-laws consistent with this Act to provide for all or any of the following matters, namely :—

(a) the days on, and the hours during, which any private market or private slaughter-house may be kept open for use ;

(b) the regulation of the design, ventilation and drainage of such markets and slaughter-houses, and the material to be used in the construction thereof ;

(c) the keeping of such markets and slaughter-houses and lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same ;

(d) the manner in which animals shall be stalled at a slaughter-house ;

(e) the manner in which animals may be slaughtered ;

(f) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption ; and

(g) the destruction of carcases which from disease or any other cause are found after slaughter to be unfit for human consumption.

Trades and Occupations.

Provision of washing place.

209. (1) A Cantonment Authority may provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use thereof as it thinks fit.

(2) Where the Cantonment Authority has provided such places as aforesaid it may, by public notice, prohibit the washing of clothes by washermen at any other place in the cantonment:

Provided that such prohibition shall not be deemed to apply to the washing by a washerman of his own clothes or of the clothes of any other person who is an occupier of the place at which they are washed.

(3) Whoever contravenes any prohibition contained in a notice issued under sub-section (2) shall be punishable with fine which may extend to twenty rupees.

Licences required for carring on of certain occupations.

210. (1) No person of any of the following classes, namely :—

(a) butchers and vendors of poultry, game or fish ;

(b) person keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered in India ;

(c) person keeping milch cattle or milch goats for profit ;

(d) persons keeping for profit any animals other than pigs, milch cattle or milch goats ;

(e) dairymen, buttermen and makers and vendors of ghee ;

(f) makers of bread, biscuits or cake, and vendors of bread, biscuits or cake made in India ;

(g) vendors of fruit or vegetables ;

(h) manufacturers of ærated or other potable waters or of ice or ice-cream, and vendors of the same ;

(i) vendors of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, ærated or other potable waters or ice or ice-cream) which are of a perishable nature ;

(k) vendors of water to be used for drinking purposes ;

(l) washermen ;

(m) dealers in hay, straw, wood, charcoal or other inflammable material ;

(n) dealers in fire-works, kerosene oil, petroleum or any other inflammable oil or spirit ;

(o) tanners and dyers ;

(p) persons carrying on any trade or occupation from which offensive or unwholesome smells arise ;

(q) vendors of wheat, rice and other grain or of flour ; and

(r) makers and vendors of sugar or sweetmeats ;

shall carry on his trade, calling or occupation in any part of a cantonment unless he has applied for and obtained a licence in this behalf from the Cantonment Authority.

(2) A licence granted under sub-section (1) shall be valid for one year, and the grant of such licence shall not be withheld by the Cantonment Authority unless it has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to the public.

(3) Notwithstanding anything contained in sub-section (1),—

(a) no person who was, at the commencement of this Act, carrying on his trade, calling or occupation in any part of a cantonment shall be bound to apply for a licence for carrying on such trads or occupation in that part until he has received from the Cantonment Authoty not less than three months' notice in writing of his obligation to do so, and if the Cantonment Authority refuses to grant him a licence, it shall pay compensation for any loss incurred by reason of such refusal ;

(b) no person shall be required to take out a licence for the sale or storage of petroleum or for the sale or possession for sale of poisons or white arsenic in any case in which he is required to take out a licence for such sale, storage or possession for sale by or under the Indian Petroleum Act, 1899, or the Poisons Act, 1919. VIII of 1[illegible] XII of 19[illegible]

(4) The Cantonment Authority may charge for the grant of licences under this section such fees as it may fix with the provious sanction of the Local Government.

Conditions which may be attached to licences.

211. A licence granted to any person under section 210 shall specify the part of the cantonment in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption, and may contain any other conditions which the Cantonment Authority thinks fit to impose in accordance with bye-laws made under this Act.

General provisions.

212. If a Cantonment Authority is satisfied that any place used under a licence granted under this Chapter is a nuisance or is likely to be dangerous to life, health or property the Cantonment Authority may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alterations, additions, or improvements as will, in the opinion of the Cantonment Authority, render it no longer a nuisance or dangerous.

Power to vary licence.

213. Whoever carries on any trade, profession or calling for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, and whoever after receiving a notice under section 212, uses or allows to be used any building or place in contravention thereof, shall be punishable with fine which may extend to two hundred rupees and, in the case of a continuing offence, with an additional fine which may extend to forty rupees for every day after the first during which the offence is continued.

Carrying on trade, etc., without licence or in contravention of section 212.

214. Whoever feeds or allows to be fed on filthy or deleterious substances any animal, which is kept for the purpose of supplying milk to, or which is intended to be used as food for, the inhabitants of a cantonment or allows it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the Cantonment Authority, shall be punishable with fine which may extend to fifty rupees.

Feeding animals on dirt, etc.

Entry Inspection and Seizure.

215. (*1*) The President or the Vice-President of a Board, the Executive Officer, the Health Officer, the Assistant Health Officer, or any other officer or servant of a Cantonment Authority authorised by it in writing in this behalf,—

Powers of entry and seizure.

(*a*) may at any time enter into any market, building, shop, stall or other place in the cantonment for the purpose of inspecting, and may inspect, any animals, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article, or thing, and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein;

(*b*) may seize any such animal, article or thing which appears to him to be diseased or unwholesome or unfit for human food or drink or medicine, as the case may be or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be.

(*2*) Any article seized under sub-section (*1*) which is of a perishable nature may, under the orders of the Health Officer or the Assistant Health Officer, forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(*3*) Every animal, article, utensil, vessel or other thing seized under sub-section (*1*) shall, if it is not destroyed under sub-section (*2*), be taken before a Magistrate.

(*4*) The owner or person in possession, at the time of seizure under sub-section (*1*), of animal or carcase which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine, as the case may be, or is adulterated or is not what it is represented to be, or of any utensil or vessel which is of such kind or in such state as is described in clause (*b*) of sub-section (*1*), shall be punishable with fine which may extend to one hundred rupees, and the animal, article, utensil, vessel or other thing shall be liable to be forfeited to the Cantonment Authority or to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for the preparation of food, drink or medicine, as the case may be.

Explanation I.—If any such article, having been exposed or stored in, or brought to, any place mentioned in sub-section (*1*) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this section, to be an article which is not what it is represented to be.

Explanation II.—Meat subjected to the process of blowing shall be deemed to be unfit for human food.

Explanation III.—The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health, provided that—

(*a*) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drink or conceal the inferior quality thereof, or

(*b*) in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith, or

(c) the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added, or

(d) such owner or person has purchased the article with a written warranty that it was of a certain nature, substance and quality and had no reason to believe that it was not of such nature, substance and quality, and has exposed it or hawked it about or brought it for sale in the same state and by the same description as that in and by which he purchased it.

Import of Cattle and Flesh.

Import of cattle and flesh.

216. (1) No person shall, without the permission in writing of the Cantonment Authority, bring into a cantonment any animal intended for human consumption, or the flesh of any animal slaughtered outside the cantonment otherwise than in a slaughter-house maintained by the Government or the Cantonment Authority.

(2) Any animal or flesh brought into a cantonment in contravention of sub-section (1) may be seized by the Executive Officer or by any servant of the Cantonment Authority and sold or otherwise disposed of as the Cantonment Authority may direct, and, if it is sold, the sale-proceeds may be credited to the cantonment fund.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees.

(4) Nothing in this section shall be deemed to apply to cured or preserved meat or to animals driven or meat carried through a cantonment for consumption outside thereof, or to meat brought into a cantonment by any person for his immediate domestic consumption :

Provided that the Cantonment Authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

CHAPTER XIII.

WATER SUPPLY, DRAINAGE AND LIGHTING.

Water Supply.

Maintenance of water supply.

217. (1) In every cantonment where a sufficient supply of pure water for domestic use is not maintained by the Government, the Cantonment Authority shall provide or arrange for the provision of such a supply.

(2) The Cantonment Authority shall, as far as possible, make adequate provision that such supply shall be continuous throughout the year and that the water shall be at all times pure and fit for human consumption

Control over sources of public water supply.

218. (1) The Cantonment Authority may, by public notice, declare any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment (other than a source of water supply under the control of the Military Works Services or the Public Works Department) from which water is or may be made available for the use of the public in the cantonment to be a source of public water supply.

(2) Every such source shall be under the control of the Cantonment Authority

Power to require maintenance or closing of private source of public drinking water supply.

219. The Cantonment Authority may, by notice in writing, require the owner or any person having the control of any source of public water supply which is used for drinking purposes—

(a) to keep the same in good order and to clear it from time to time of silt, refuse and decaying vegetation, or

(b) to protect the same from contamination in such manner as the Cantonment Authority may direct, or

(c) if the water therein is proved to the satisfaction of the Cantonment Authority to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to or using such water :

Provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the Cantonment Authority for the use of the public, and, if he does so, he shall not be bound to carry out the requisition and the Cantonment Authority shall undertake the control and supervision of the well.

Supply of water.

220. (1) The Cantonment Authority may permit the owner, lessee or occupier of any building or land to connect the building or land with a source of public water supply by means of communication pipes of such size and description as it may prescribe for the purpose of obtaining water for domestic use.

(2) The occupier of every building so connected with the water supply shall be entitled to have for domestic use, in return for the water tax, if any, such quantity of water as the Cantonment Authority may determine.

(3) All water supplied in excess of the quantity to which such supply is limited under sub-section (2) and, in a cantonment in which a water tax is not imposed, all water supplied under this section, shall be paid for at such rate as the Cantonment Authority may fix.

(4) The supply of water for domestic use shall not be deemed to include any supply—

(a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire ;

(b) for any trade, manufacture or business;

(c) for fountains, swimming baths or any ornamental or mechanical purpose;

(d) for gardens or for purposes of irrigation;

(e) for making or watering roads or paths; or

(f) for buildings purposes.

Power to require water supply to be taken.

221. If it appears to the Cantonment Authority that any building or land in the cantonment is without a proper supply of pure water, the Cantonment Authority may, by notice in writing, require the owner, lessee or occupier of the building or land to obtain from a source of public water supply such quantity of water as is adequate to the requirements of the persons usually occupying or employed upon the building or land, and to provide communication pipes of the prescribed size and description, and to take all necessary steps for the above purposes.

Supply of water under agreement.

222. (1) The Cantonment Authority may, by agreement, supply, from any source of public water supply, the owner, lessee or occupier of any building or land in the cantonment with any water for any purpose, other than a domestic purpose, on such terms and conditions, consistent with this Act and the rules and bye-laws made thereunder, as may be agreed upon between the Cantonment Authority and such owner, lessee or occupier.

(2) The Cantonment Authority may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining sufficient supply of water for domestic use by inhabitants of the cantonment.

Cantonment Authority not liable for failure of supply.

223. Notwithstanding any obligation imposed on Cantonment Authorities under this Act, a Cantonment Authority shall not be liable to any forfeiture, penalty or damages for failure to supply water or for curtailing the quantity thereof if the failure or curtailment, as the case may be, arises from accident or from drought or other unavoidable cause unless, in the case of an agreement for the supply of water under section 222, the Cantoment Authority has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

Conditions of universal application

224 Notwithstanding anything hereinbefore contained or contained in any agreement under section 222, the supply of water by a Cantonment Authority to any building or land shall be, and shall be deemed to have been, granted subject to the following conditions, namely :—

(a) the owner, lessee, or occupier of any building or land in or on which water supplied by the Cantonment Authority is wasted by reason of the pipes, drains or other works being out of repair shall, if he has knowledge thereof, give notice of the same to such officer as the Cantonment Authority may appoint in this behalf;

(b) the Executive Officer or any other officer or servant of the Cantonment Authority authorised by it in writing in this behalf may enter into or on any premises supplied with water by the Cantonment Authority, for the purpose of examining all pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water;

(c) the Cantonment Authority may cut off the connection between any source of public water supply and any building or land to which water is supplied for any purpose therefrom, or turn off such supply if—

(i) the owner or occupier of the building or land neglects to pay the water tax or other charges connected with the water supply within one month from the date on which such tax or charge falls due for payment;

(ii) the occupier refuses to admit the Executive Officer or other authorised officer or servant of the Cantonment Authority into the building or land for the purpose of making any examination or inquiry authorised by clause (b) or prevents the making of such examination or inquiry;

(iii) the occupier wilfully or negligently misuses or causes waste of water;

(iv) the occupier wilfully or negligently injures or damages his meter or any pipe or tap conveying water from the waterworks;

(v) any pipes, taps, works or fittings connected with the supply of water to the building or land be found, on examination by the Executive Officer, to be out of repair to such an extent as to cause a waste of water;

(d) the expense of cutting off the connection or of turning off the water in any case referred to in clause (c) shall be paid by the owner or occupier of the building or land;

(e) no action taken under or in pursuance of clause (c) shall relieve any person from any penalty or liability which he may otherwise have incurred.

Supply to persons outside cantonment.

225. A Cantonment Authority may allow any person not residing within the limits of the cantonment to take or be supplied with water for any purpose from any source of public water supply on such terms as it may prescribe and may at any time withdraw or curtail such supply.

Penalty.

226. Whoever—

(a) uses for other than domestic purposes any water supplied by a Cantonment Authority for domestic use, or

(b) where water is supplied by agreement with a Cantonment Authority for a specified purpose, uses that water for any other purpose,

shall be punishable with fine which may extend to fifty rupees, and the Cantonment Authority shall be entitled to recover from him the price of the water misused.

Water, Drainage and other Connections.

Power of Cantonment Authority to lay wires, connections, etc.

227. A Cantonment Authority may carry any cable, wire pipe, drain, sewer or channel of any kind,—

(a) for the purpose of carrying out, establishing or maintaining any system of water supply, lighting, drainage or sewerage, through, across, under or over any road or street, or any place laid out or intended as a road or street, or, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated within the cantonment, or

(b) for the purpose of supplying water or of the introduction or distribution of outfall of water or for the removal or outfall of sewage, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated outside the cantonment;

and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel in an effective state for the purpose for which the same may be used or is intended to be used:

Provided that no nuisance shall be caused in excess of what is reasonably necessary for the proper execution of the work:

Provided, further, that compensation shall be payable to the owner or occupier for any damage sustained by him which is directly occasioned by the carrying out of any such operation.

Wires, etc., laid above surface of ground.

228. In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and compensation shall be payable by the Cantonment Authority in respect of any substantial interference with the right to any such enjoyment.

Connection with main not to be made without permission.

229. No person shall, for any purpose whatsoever, without the permission of the Cantonment Authority, at any time make or cause to be made any connection or communication with any cable, wire, pipe, drain, sewer or channel constructed or maintained by, or vested in, a Cantonment Authority.

Power to prescribe ferrules and to establish meters, etc.

230. A Cantonment Authority may prescribe the size of the ferrules to be used for the supply of gas, if any, and may establish meters or other appliances for the purpose of testing the quanlity of any water, or the quantity or quality of any gas supplied to any premises by the Cantonment Authority.

Power of inspection.

231. The ferrules, communication pipes, connections, meters, standpipes and all fittings thereon or connected therewith leading from water mains or from pipes, drains, sewers or channels into any house or land, to which water or gas is supplied by a Cantonment Anthority, and the pipes, fitting and works inside any such house or within the limits of any such land, shall in all cases be executed subject to the inspection and to the satisfaction of the Cantonment Authority.

Power to fix rates and charges.

232. A Cantonment Authority may fix the charges to be made for the establishment by them or through their agency of communications from, and connections with, mains, or pipes for the supply of water, or gas, or for meters or other appliances for testing the quantity or quality thereof supplied, and may levy such charges accordingly.

Application of this Chapter to Government Water Supplies.

Government water supply.

233. (1) Where in any cantonment there is a water-supply under the control of the Military Works Services or the Public Works Department, the Officer of the Military Works Services or of the Public Works Department, as the case may be, in charge of such water-supply (hereinafter in this section and in section 234 referred to as the Officer) may publish in the cantonment in such manner as he thinks fit a notice declaring that any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment (other than a source of public water-supply under the control of the Cantonment Authority) is a source of public water-

supply and may, for the purpose of keeping any such source in good order or of protecting it from contamination or from use, require the Cantonment Authority to exercise any power conferred upon that Authority by section 219.

(2) In the case of any water-supply such as is referred to in sub-section (*1*), the following provisions of this Chapter, namely, the provisions of sections 220, 222, 223, 224, 226, 227, 228, 229, 230, 231 and 232 shall, as far as may be, be applicable in respect of the supply of water to the cantonment, and for the purpose of such application references to the Cantonment Authority shall be construed as references to the Officer and references to the Executive Officer or other officer or servant of the Cantonment Authority shall be construed as references to such person as may be authorised in this behalf by the Officer.

Recovery of charges.

234. In any case in which the provisions of section 233 apply, the water-tax, if any, imposed in the cantonment and all other charges arising out of the supply of water which may be imposed under the provisions of this Chapter as applied by section 233 shall be recovered by the Cantonment Authority, and all monies so recovered, or such proportion thereof as the Local Government may in each case determine, shall be paid by the Cantonment Authority to the Officer.

CHAPTER XIV.

REMOVAL AND EXCLUSION FROM CANTONMENTS AND SUPPRESSION OF SEXUAL IMMORALITY.

Power to remove brothels and prostitutes.

235. The Commanding Officer of a cantonment may, on receiving information that any building in the cantonment is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of the information received, summon the owner, lessee, tenant or occupier of the building to appear before him either in person or by an authorised agent, and if the Commanding Officer of the cantonment is then satisfied as to the truth of the information, he may, by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.

Penalty for loitering and importuning for purposes of prostitution.

236. (*1*) Whoever in a cantonment loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment which may extend to one month or with fine which may extend to two hundred rupees.

(2) No prosecution for an offence under this section shall be instituted except on the complaint of the person importuned, or of a military officer in whose presence the offence was committed, or of a member of the Military or Air Force Police, being employed in the cantonment and authorised in this behalf by the Commanding Officer of the cantonment, in whose presence the offence was committed, or of a police officer not below the rank of a sub-inspector who is employed in the cantonment and authorised in this behalf by the Commanding Officer of the cantonment.

Removal of lewd persons from cantonment.

237. If the Commanding Officer of a cantonment is, after such inquiry as he thinks necessary, satisfied that any person residing in or frequenting the cantonment is a prostitute or has been convicted of an offence under section 236, or of the abetment of such an offence, he may cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Commanding Officer of the cantonment.

Removal and exclusion from cantonments of disorderly persons.

238. (*1*) A Magistrate of the first class, having jurisdiction in a cantonment, on receiving information that any person residing in or frequenting the cantonment—

(*a*) is a disorderly person who has been convicted more than once of gaming or who keeps or frequents a common gaming house, a disorderly drinking shop or a disorderly house of any other description, or

(*b*) has been convicted more than once, either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Indian Penal Code, or

(*c*) has been convicted, either within the cantonment or elsewhere, of any offence punishable under section 156 of the Army Act, or

(*d*) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1898, either within the cantonment or elsewhere, to execute a bond for his good behaviour,

may record in writing the substance of the information received and may issue a summons to such person requiring such person to appear and show cause why he should not be required to remove from the cantonment and be prohibited from re-entering it.

(2) Every summons issued under sub-section (*1*) shall be accompanied by a copy of the record aforesaid and the copy shall be served along with the summons on the person against whom the summons is issued.

(3) The Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take such further evidence as he thinks fit, and if, upon such inquiry, it appears to him that such person is a person of any kind described in sub-section (*1*) and that it is necessary for the maintenance of good order in the cantonment that such person should be required to remove therefrom and be prohibited from re-entering the cantonment, the Magistrate shall report the matter to the Commanding Officer of the cantonment, and if the Commanding Officer of the cantonment so directs, shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and

prohibiting him from re-entering it without the permission in writing of the Commanding Officer of the cantonment.

Removal and exclusion from cantonment of seditious persons.

239. (*1*) If any person in a cantonment causes or attempts to cause or does any act which he knows is likely to cause disloyalty, disaffection or breaches of discipline amongst any portion of His Majesty's forces or is a person who, the Commanding Officer of the cantonment has reason to believe, is likely to do any such act, the Commanding Officer of the cantonment may make an order in writing setting forth the reasons for the making of the same and requiring such person to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permision in writing of the Commanding Officer of the cantonment:

Provided that no order shall be made under this section against any person unless he has had a reasonable opportunity of showing cause why the order should not be made.

(*2*) Every order made under sub-section (*1*) shall be sent to the Superintendent of Police of the district, who shall cause a copy thereof to be served on the person concerned.

(*3*) Upon the making of any order under sub-section (*1*), the Commanding Officer of the cantonment shall forthwith send a copy of the same to the Local Government.

(*4*) The Local Government may, of its own motion, and shall, on application made to it in this behalf within one month of the date of the order by the person against whom the order has been made, call upon the District Magistrate to make, after such inquiry as the Local Government may prescribe, a report regarding the justice of the order and the necessity therefor.

(*5*) The Local Government may, at any time after the receipt of a copy of an order sent under sub-section (*3*) or, where a report has been called for under sub-section (*4*), on receipt of that report, if it is of opinion that the order should be varied or rescinded, refer the case to the Governor General in Council, who shall pass such orders thereon as he thinks fit.

(*6*) Any person who has been excluded from a cantonment by an order made under this section may, at any time after the expiry of one month from the date thereof, apply to the Officer Commanding-in-Chief, the Command, for the rescission of the same and, on such application being made, the said Officer, may, after making such inquiry, if any, as he thinks necessary, either reject the application or rescind the order.

Penalty.

240. Whoever—

(*a*) fails to comply with an order issued under this Chapter within the period specified therein, or, whilst an order prohibiting him from re-entering a cantonment without permission is in force, re-enters the cantonment without such permission, or

(*b*) knowing that any person has under this Chapter, been required to remove from the cantonment and has not obtained the requisite permission to re-enter it, harbours or conceals such person in the cantonment,

shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to ten rupees for every day after the first during which he has persisted in the offence.

CHAPTER XV.

POWERS, PROCEDURE, PENALTIES AND APPEALS.

Entry and Inspection.

Powers of entry.

241. It shall be lawful for the President or the Vice-President of a Board, or the Executive Officer, or the Health Officer or Assistant Health Officer, or any person specially authorised by the Health Officer or the Assistant Health Officer, or for any other person authorised by general or special order of a Cantonment Authority in this behalf, to enter into or upon any building or land with or without assistants or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorised by or under this Act or which it is necessary to make or execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule, bye-law or order made thereunder:

Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 207 or section 215 or to authorise the conferment upon any person of any such power.

Powers of inspection by member of a Board.

242. With the previous sanction of the President, any member of a Board may inspect any work or institution constructed or maintained, in whole or part, at the expense of the Board, and any register, book, accounts or other document belonging to, or in the possession of, the Board.

Power of inspection, etc.

243. (*1*) A Cantonment Authority may, by general or special order, authorise any person—

(*a*) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the cantonment, and, in his discretion, to cause the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be;

(*b*) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any meter.

(*2*) If, on such inspection, the opening of the ground is found to be necessary for the preven-

tion or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be, by the Cantonment Authority.

Power to enter land adjoining land where work is in progress.

244. (*1*) The Executive Officer of a cantonment may, with or without assistants or workmen, enter on any land within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on of the same.

(*2*) The Executive Officer shall, before entering on any land under sub section (*1*), give the occupier, or, if there is no occupier, the owner not less than three days' previous notice in writing of his intention to make such entry, and shall state the purpose thereof, and shall, if so required by the occupier or owner, fence off so much of the land as may be required for such purpose.

(*3*) The Executive Officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Cantonment Authority to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.

Breaking into premises.

245. It shall be lawful for any person, authorised by or under this Act to make any entry into any place, to open or cause to be opened any door, gate or other barrier—

(*a*) if he considers the opening thereof necessary for the purpose of such entry; and

(*b*) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

Entry to be made in the day time.

246. Save as otherwise expressly provided in this Act, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

Owner's consent ordinarily to be obtained.

247. Save as otherwise expressly provided in this Act, no building or land shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than four hours' written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be inspected is a stable for horses or a shed for cattle, or a latrine, privy or urinal, or a work under construction.

Regard to be had to social and religious usages.

248. When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

Penalty for obstruction.

249. Whoever obstructs or molests any person employed by a Cantonment Authority, who is not a public servant within the meaning of section 21 of the Indian Penal Code or any person with whom the Cantonment Authority has lawfully contracted, in the execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Act or of any rule, bye-law or order made thereunder, or in fulfilment of his contract, as the case may be, shall be punishable with fine which may extend to one hundred rupees. XLV of

Powers and Duties of Police Officers.

Arrest without warrant.

250. Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act which are specified in Schedule IV:

Provided that—

(*a*) in the case of the breach of any such provision as is specified in Part B of Schedule IV, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained; and

(*b*) no person shall be so arrested for an offence under section 236 except—

(*i*) at the request of the person importuned or of a military officer in whose presence the offence was committed; or

(*ii*) by or at the request of a member of the Military or Air Force Police, being employed in the cantonment and authorised in this behalf by the Commanding Officer of the cantonment, in whose presence the offence was committed, or of any police officer not below the rank of a sub-inspector who is employed in the cantonment and authorised in this behalf by the Commanding Officer of the cantonment.

251. It shall be the duty of all police officers to give immediate information to the Cantonment Authority of the commission of any offence against the provisions of this Act or of any rule or bye-law made thereunder and to assist all cantonment officers and servants in the exercise of their lawful authority.

Duties of police officers.

Notices.

252. Where any notice, order or requisition made under this Act or any rule or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or in the rule or bye-law, the notice, order or requisition shall specify a reasonable time for doing the same.

Notices to fix reasonable time.

253. Every notice, order or requisition issued by a Cantonment Authority under this Act or any rule or bye-law made thereunder shall be signed—

Authentication and validity of notices issued by Cantonment Authority.

(*a*) where there is a Board, either by the President of the Board or by the Executive Officer, or, where there is no Board, by the Executive Officer; or

(*b*) by the members of any committee especially authorised by the Cantonment Authority in this behalf.

254. (*1*) Every notice, order or requisition issued under this Act or any rule or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented—

Service of notice, etc.

(*a*) by giving or tendering the notice, order or requisition, or sending it by post to the person for whom it is intended; or

(*b*) if such person cannot be found, by affixing the notice, order or requisition on some conspicuous part of his last known place of abode or business, if within the cantonment, or by giving or tendering the notice, order or requisition to some adult male member or servant of his family, or by causing it to be affixed on some conspicuous part of the building or land, if any, to which it relates.

(*2*) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either—

(*a*) by giving or tendering the notice, order or requisition, or sending it by post, to the owner, lessee or occupier, or, if there are more owners, lessees or occupiers than one, on any one of them; or

(*b*) if no such owner, lessee or occupier can be found, by giving or tendering the notice, order or requisition to the authorised agent, if any, of any such owner, lessee or occupier, or to an adult male member or servant of the family of any such owner, lessee or occupier, or by causing it to be affixed on some conspicuous part of the building or land to which it relates.

(*3*) When the person on whom a notice, order or requisition is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

255. Every notice which, by or under this Act, is to be given or served as a public notice or as a notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the Cantonment Authority, or in such other public place, during such period, or is published in such local newspaper or in such other manner as the Cantonment Authority may direct.

Method of giving notice.

256. In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act, or any rule or bye-law made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the Cantonment Authority, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or work required to be done or executed by him, and all the expenses incurred on such account shall be recoverable by the Cantonment Authority.

Powers of Cantonment Authority in case of non-compliance with notice, etc.

Recovery of money.

257. (*1*) If any such notice as is referred to in section 256 has been given to any person in respect of property of which he is the owner, the Cantonment Authority may require any occupier of such property or of any part thereof to pay to it, instead of to the owner, any rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 256:

Liability of occupier to pay in default of owner.

Provided that if the occupier, on application made to him by the Cantonment Authority, refuses truly to disclose the amount of his rent or the name or address of the person to whom it is payable, the Cantonment Authority may recover from the occupier the whole amount recoverable under section 256.

(*2*) Any amount recovered from an occupier instead of from an owner under sub-section (*1*) shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

258. (*1*) Where any person, by reason of his receiving the rent of immoveable property as an agent or trustee, or of his being as an agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, funds in his hands belonging to the owner sufficient for the purpose.

Relief to agents and trustees.

(*2*) The burden of proving any fact entitling an agent or trustee to relief under sub-section (*1*) shall lie upon him.

(*3*) Where any agent or trustee has claimed and established his right to relief under this section, the Cantonment Authority may, by notice in writing, require him to apply to the discharge of such obligation as aforesaid the first monies which may come to his hands on behalf, or for the use, of the owner, and, on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

259. All money recoverable by a Cantonment Authority under this Act shall, save as otherwise expressly provided, be recoverable either by suit or, on application to a Magistrate, by the distress and sale of the moveable property of the person from whom it is recoverable, and, if payable by the owner of any property as such, it shall, until it is paid, be a charge on the property.

Method of recovery.

Committees of Arbitration.

260. In the event of any disagreement as to the liability of a Cantonment Authority to pay any compensation under this Act, or as to the amount of any compensation so payable, the person claiming such compensation may apply to the Cantonment Authority for the reference of the matter to a Committee of Arbitration, and the Cantonment Authority shall forthwith proceed to convene a Committee of Arbitration to determine the matter in dispute.

Application for a Committee of Arbitration.

261. When a Committee of Arbitration is to be convened, the Cantonment Authority shall cause a public notice to be published stating the matter to be determined, and shall forthwith send copies of the order to the District Magistrate, and to the other party concerned, and shall, as soon as may be, nominate such members of the Committee as it is entitled to nominate under section 262, and, by notice in writing, call upon the other persons who are entitled to nominate a member or members of the Committee to nominate such member or members in accordance with the provisions of that section.

Procedure for convening Committee of Arbitration.

262. (*1*) Every Committee of Arbitration shall consist of five members, namely :—

Constitution of Committee of Arbitration.

(*a*) a Chairman who shall be a person not in the service of the Government or the Cantonment Authority, and who shall be nominated by the Commanding Officer of the cantonment;

(*b*) two persons nominated by the Cantonment Authority; and

(*c*) two persons nominated by the other party concerned, who shall be persons ordinarily resident and liable to pay taxes in the cantonment.

(*2*) If the Cantonment Authority or the other party concerned or the Commanding Officer of the cantonment fails within seven days of the date of issue of the notice referred to in section 261 to make any nomination which it or he is entitled to make or, if any member who has been so nominated neglects or refuses to act and the Cantonment Authority or other person, by whom such member was nominated fails, to nominate another member in his place within seven days from the date on which it or he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members, as the case may be, to fill the vacancy or vacancies.

263. (*1*) No person who has a direct interest in the matter under reference, or whose services are not immediately available for the purposes of the Committee, shall be nominated a member of a Committee of Arbitration.

No person to be nominated who has no direct interest and whose services are not immediately available.

(*2*) If, in the opinion of the District Magistrate, any person who has been nominated has a direct interest in the matter under reference, or is, otherwise disqualified for nomination, or if the services of any such person are not immediately available as aforesaid, and if the Cantonment Authority or other person by whom any such person was nominated fails to nominate another member within seven days from the date on which it or he may be called upon to do so by the District Magistrate, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 262.

264. (*1*) When a Committee of Arbitration has been duly constituted, the Cantonment Authority shall, by notice in writing, inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter.

Meetings and powers of Committees of Arbitration.

(*2*) The Chairman of the Committee shall fix the time and place of meetings and shall have power to adjourn any meeting from time to time as may be necessary.

(*3*) The Committee shall receive and record evidence, and shall have power to administer oaths to witnesses, and, on requisition in writing signed by the Chairman of the Committee, the District Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee and may enforce the said processes as if they were processes for attendance or production before himself.

Decisions of Committees of Arbitration.

265. (1) The decision of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the Chairman and at least three of the other members are present.

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the Chairman shall prevail.

(3) The decision of a Committee of Arbitration shall be final and shall not be questioned in any Court.

Prosecutions.

Prosecutions.

266. Save as otherwise expressly provided in this Act, no Court shall proceed to the trial of any offence made punishable by or under this Act, except on the complaint of, or upon information received from, the Cantonment Authority concerned or a person authorised by the Cantonment Authority by a general or special order in this behalf.

Composition of offences.

267. (1) A Cantonment Authority, or any person authorised by it, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act other than an offence under Chapter XIV:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order, or requisition issued by or on behalf of the Cantonment Authority, unless and until the same has been complied with in so far as compliance is possible.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

General Penalty provisions.

General penalty.

268. Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order, or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing failure or contravention, with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

Cancellation and suspension of licenses.

269. Where any person to whom a license has been granted under this Act or any agent or servant of such person commits a breach of any of the conditions thereof, or of any bye-law made under this Act for the purpose of regulating the manner or circumstances in, or the conditions subject to, which anything permitted by such license is to be or may be done, the Cantonment Authority may, without prejudice to any other penalty which may have been incurred under this Act, by order in writing, cancel the licence or suspend it for such period as it thinks fit.

Recovery of amount payable in respect of damage to cantonment property.

270. Where any person has incurred penalty by reason of having caused any damage to the property of a Cantonment Authority, he shall be liable to make good such damage, and the amount payable in respect of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and, on non-payment of such amount on demand, the same shall be recovered by distress and sale of the moveable property of such person, and the Magistrate shall issue a warrant for its recovery accordingly.

Limitation.

Limitation for Prosecution.

271. No Court shall try any person for an offence made punishable by or under this Act, unless complaint in respect of the same has been made to a Magistrate within six months of the commission of the offence.

Suits.

Protection of Cantonment Authority, Executive Officer, etc.

272 No suit or prosecution shall be entertained in any Court against any Cantonment Authority, or authority appointed under sub-section (2) of section 10, or against any Commanding Officer of a Cantonment, or against any member of a Board, or against any officer or servant of a Cantonment Authority, for anything in good faith done, or intended to be done under this Act or any rule or bye-law made thereunder.

Notice to be given of suits.

273. (1) No suit shall be instituted against any Cantonment Authority or against any member of a Board, or against any officer or servant of a Cantonment Authority, in respect of any act done, or purporting to have been done, in pursuance of this Act or of any rule or bye-law made thereunder, until the expiration of two months after notice in writing has been left at the office of the Cantonment Authority, and, in the case of such member, officer, or servant, unless notice in writing has also been delivered to him or left at his office or place of abode, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of abode of the intending plaintiff, and unless the plaint contains a statement that such notice has been so delivered or left.

(2) If the Cantonment Authority, member, officer or servant has, before the suit is instituted, tendered sufficient amends to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered, and shall also pay all costs incurred by the defendant after such tender.

(3) No suit, such as is described in sub-section (1), shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises

(4) Nothing in sub-section (1) shall b deemed to apply to a suit in which the only

relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit or proceeding.

Appeals and Revision.

Appeals from executive orders.

274. (*1*) Any person aggrieved by any order described in the second column of Schedule V may appeal to the authority specified in that behalf in the third column thereof.

(*2*) No such appeal shall be admitted if it is made after the expiry of the period specified in that behalf in the fourth column of the said Schedule.

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(*3*) The period specified as aforesaid shall be computed in accordance with the provisions of the Indian Limitation Act, 1908, with respect to the computation of periods of limitation thereunder.

Petition of appeal.

275. (*1*) Every appeal under section 274 shall be made by petition in writing accompanied by a copy of the order appealed against.

(*2*) Any such petition may be presented to the authority which made the order against which the appeal is made, and that authority shall be bound to forward it to the appellate authority, and may attach thereto any report which it may desire to make by way of explanation.

Suspension of action pending appeal.

276. On the admission of an appeal from an order, other than an order contained in a notice issued under clause (*a*) of section 137, section 140, section 176, or section 238, all proceedings to enforce the order and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

Revision.

277. (*1*) Where an appeal from an order dismissing a servant of the Cantonment Authority whose salary is not less than one hundred rupees per mensem has been disposed of by the Officer Commanding the District, the servant so dismissed may within thirty days from the date thereof apply for revision of the decision to the Officer Commanding-in-Chief, the Command, whose decision thereon shall be final.

(*2*) Where an appeal from an order made by the Cantonment Authority has been disposed of by the District Magistrate, the Cantonment Authority may, within thirty days from the date thereof, apply, through the Officer Commanding the District, to the Local Government or to such authority as the Local Government may appoint in this behalf, for a revision of the decision.

(*3*) The provisions of this Chapter with respect to appeals shall apply, as far as may be, to applications for revision made under this section.

Finality of appellate orders.

278. Save as otherwise provided in section 277, every order of an appellate authority shall be final.

Right of appellant to be heard.

279. No appeal shall be decided under this Chapter unless the appellant has been heard, or has had a reasonable opportunity of being heard in person or through a legal practitioner.

CHAPTER XVI.

RULES AND BYE LAWS.

Power to make rules.

280. (*1*) The Governor-General in Council may, after previous publication, make rules to carry out the purposes and objects of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which, and the authority to which, application for permission to occupy land belonging to Government in a cantonment is be made ;

(*b*) the authority by which such permission may be granted and the conditions to be annexed to the grant of any such permission ;

(*c*) the appointment, control, supervision, suspension, removal, dismissal and punishment of servants of Cantonment Authorities ;

(*d*) the circumstances in which security shall be demanded from servants of Cantonment Authorities and the amount and nature of such security ;

(*e*) the grant of leave, absentee or acting allowance to servants of Cantonment Authority ;

(*f*) the creation and management of Provident Funds, and the circumstances in which, and the conditions subject to which, contributions thereto shall be made from cantonment funds and by servants of Cantonment Authorities ;

(*g*) the keeping of accounts by Cantonment Authorities and the manner in which such accounts shall be audited and published ;

(*h*) the definition of the persons by whom and the manner in which, money may be paid out of a cantonment fund ;

(*i*) the preparation of estimates of income and expenditure by Contonment Authorities and the definition of the persons by whom, and the conditions subject to which, such estimates may be sanctioned ;

(*j*) the regulation of the procedure of Committees of Arbitration ; and

(*k*) the prescribing of registers, statements and forms to be used and maintained by any authority for the purposes of this Act.

281. (1) A rule under section 280 may be made either generally for all cantonments or for the whole or any part of any one or more cantonments.

Supplemental provisions respecting rules.

(2) All rules so made shall be published in the Gazette of India and in such other manner, if any, as the Governor-General in Council may direct and, on such publication, shall have effect as if enacted in this Act.

282. Subject to the provisions of this Act and of the rules made thereunder, a Cantonment Authority may, in addition to any bye-laws which it is empowered to make by any other provision of this Act, make bye-laws to provide for all or any of the following matters in the cantonment, namely :—

Power to make bye-laws.

(1) the registration of births, deaths and marriages, and the taking of a census;

(2) the enforcement of compulsory vaccination;

(3) the regulation of the collection and recovery of taxes, tolls and fees under this Act and for the refunds of taxes;

(4) the regulation or prohibition of any description of traffic in the streets;

(5) the manner in which vehicles standing, driven, led or propelled in the streets between sunrise and sunset shall be lighted;

(6) the seizure and confiscation of ownerless animals straying within the limits of the cantonment;

(7) the prevention and extinction of fire;

(8) the construction of scaffolding for building operations to secure the safety of the general public and of persons working thereon;

(9) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation-shafts, pipes, water-closets, privies, latrines, urinals, cess-pools and other drainage works;

(10) the regulation or prohibition of the discharge into, or deposit in, drains of sewage, polluted water and other offensive or obstructive matter;

(11) the regulation or prohibition of the stabling or herding of animals, or of any class of animals, so as to prevent danger to public health;

(12) the proper disposal of corpses, the regulation and management of burial and burning places and other places for the disposal of corpses, and the fees chargeable for the use of such places where the same are provided or maintained by Government or at the expense of the cantonment fund;

(13) the permission, regulation or prohibition of the use or occupation of any street or place by itinerant vendors or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall, and the fees chargeable for such use or occupation;

(14) the regulation and control of encamping grounds, pounds, washing-places, serais, hotels, dâk bungalows, lodging-houses, boarding-houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafes, refreshment-rooms and places of public recreation, entertainment or resort;

(15) the regulation of the ventilation, lighting, cleansing, drainage and water-supply of the buildings used for the manufacture or sale of ærated or other potable waters and of butter, milk, sweet-meats and other articles of food or drink for human consumption;

(16) the matters regarding which conditions may be imposed by licences granted under section 210;

(17) the control and supervision of places where dangerous or offensive trades are carried on so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;

(18) the regulation of the erection of any enclosure, fence, tent, awning or other temporary structure of whatsoever material or nature on any land situated within the cantonment;

(19) the laying out of streets, and the regulation and prohibition of the erection of buildings without adequate provision being made for the laying out and location of streets;

(20) the regulation of the use of public parks and gardens and other public places, and the protection of avenues, trees, grass and other appurtenances of streets and other public places;

(21) the regulation of the grazing of animals;

(22) the fixing and regulation of the use of public bathing and washing places;

(23) the regulation of the posting of bills and advertisements, and of the position, size, shape or style of name-boards, sign-boards and sign-posts;

(24) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;

(25) the rendering necessary of licences within the cantonment—

(a) for persons working as job porters for the conveyance of goods;

(b) for animals or vehicles let out on hire;

(c) for the proprietors or drivers of vehicles, boats or other conveyances, or of animals, kept or plying for hire; and

(d) for persons impelling or carrying such vehicles or other conveyances;

(26) the prescribing of the fee payable for any licence required under clause (25), and of the conditions subject to which such licences may be granted, revised, suspended or withdrawn;

(27) the regulation of the charges to be made for the services of such job porters and of the hire of such animals, vehicles or other conveyances, and for the renumeration of persons impelling or carrying such vehicles or conveyances as are referred to in clause (25);

(28) the regulation or prohibition, for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and for the regulation or prohibition of which no provision is made elsewhere by or under this Act;

(29) the circumstances and the manner in which owners of buildings or land in the cantonment, who are temporarily absent from, or are not resident in, the cantonment, may be required to appoint as their agents, for all or any of the purposes of this Act, or of any rule or bye-law made thereunder, persons residing within or near the cantonment;

(30) the prevention of the spread of infectious or contagious diseases within the cantonment;

(31) the segregation in, or the removal and exclusion from, the cantonment, or the destruction, of animals suffering or reasonably suspected to be fuffering from any infectious or contagious disease;

(32) the supervision, regulation, conservation, and protection from injury, contamination or trespass of sources and means of public water-supply and of appliances for the distribution of water whether within or without the limits of the cantonment;

(33) the manner in which connections with water-works may be constructed or maintained, and the agency, which shall or may be employed for such construction and maintenance;

(34) the regulation of all matters and things relating to the supply and use of water including the collection and recovery of charges therefor and the prevention of evasion of the same;

(35) the maintenance of schools, and the furtherance of education generally;

(36) the regulation or prohibition of the cutting or destruction of trees or shrubs, or of the making of excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the Cantonment Authority to be necessary for the maintenance of a water supply, the preservation of the soil, the prevention of land slips, the formation of ravines or torrents, the protection of land against erosions, or the deposit thereon of sand, gravel or stones;

(37) the rendering necessary of licences for the use of premises within the cantonment as stables or cow-houses or as accommodation for sheep, goats or fowls; and

(38) generally for the regulation of the administration of the cantonment under this Act.

Penalty for breach of bye-laws.

283. Any bye-law made by a Cantonment Authority under this Act may provide that a contravention thereof shall be punishable—

(a) with fine which may extend to one hundred rupees; or

(b) with fine which may extend to one hundred rupees and, in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention; or

(c) with fine which may extend to ten rupees for every day during which the contravention continues after the receipt of a notice from the Cantonment Authority by the person contravening the bye-law requiring such person to discontinue such contravention.

Supplemental provisions regarding bye-laws.

284. (1) Any power to make bye-laws conferred by this Act is conferred subject to the condition of the bye-laws being made after previous publication and of their not taking effect until they have been approved and confirmed by the Local Government and published in the local official Gazette.

(2) The Local Government in confirming a bye-law may make any change therein which appears to it to be necessary.

(3) The Local Government may, after previous publication of its intention, cancel any bye-law which it has confirmed, and thereupon the bye-law shall cease to have effect.

285. (1) A copy of all rules and bye-laws made under this Act shall be kept at the office of the Cantonment Authority and shall, during office hours, be open free of charge to inspection by any inhabitant of the cantonment.

Rules and bye-laws to be available for inspection and purchase.

(2) Copies of all such rules and bye-laws shall be kept at the office of the Cantonment Authority for sale to the public.

CHAPTER XVII.

SUPPLEMENTAL PROVISIONS.

286. The Local Government may, by notification in the local official Gazette, and subject to any conditions as to compensation or otherwise which it thinks fit to impose, extend to any area beyond a cantonment and in the vicinity thereof, with or without restriction or modification, any of the provisions of Chapters IX, X, XI, XII, XIII, XIV and XV or of any rule or bye-law made under this Act for the cantonment which relates to the subject matter of any of those Chapters, and every enactment, rule or bye-law so extended shall thereupon apply to that area as if the area were included in the cantonment.

Extension of certain provisions of the Act and rules to places beyond cantonments.

287. (1) Paragraphs 2 and 3 of section 54 and sections 59, 107 and 123 of the Transfer of Property Act, 1882, with respect to the transfer of property by registered instrument, shall, on and from the commencement of this Act, extend to very cantonment.

Registration.

IV of 1882.

(2) Where a cantonment has not been constituted a sub-district or district for the purposes of the Indian Registration Act, 1908, under section 9 of that Act, the Registrar of the district in which the cantonment is situated shall cause a copy of such entries in Indexes Nos. I and II as relate to immoveable property within the cantonment to be forwarded to the Cantonment Authority annually or at such shorter intervals as the Local Government may prescribe.

XVI of 1908.

288. No notice, order, requisition, licence, permission in writing or other such document issued under this Act shall be invalid merely by reason of any defect of form.

Validity of notices and other document.

289. A copy of any receipt, application, plan, notice, order or other document or of any entry in a register, in the possession of a Cantonment Authority shall if duly certified by the legal keeper thereof or other person authorized by the Cantonment Authority in this behalf, be admissible in evidence of the existence of the document or entry and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters.

Admissibility of document or entry as evidence.

290. No officer or servant of a Cantonment Authority shall, in any legal proceeding to which the Cantonment Authority is not a party, be required to produce any register or document the contents of which can be proved under section 289 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the Court made for special cause.

Evidence by officer or servant of the Cantonment Authority.

291. The enactments mentioned in Schedule VI are repealed to the extent specified in the fourth column thereof :

Repeals.

Provided that licenses and permits given under the Cantonments Act, 1910, and in force at the commencement of this Act, shall be deemed to have been given under this Act. XV of 1910.

SCHEDULE I.

NOTICE OF DEMAND.

(See section 91.)

To

residing at

Take notice that the Cantonment Authority demands from the sum of due from on account of (here describe the property, occupation, circumstance or thing in respect of which the sum is payable) leviable under for the period of commencing on the day of 19 , and ending on the day of 19 , and that if, within fifteen days from the service of this notice, the said sum is not paid to the Cantonment Authority at , or sufficient cause for non-payment is not shown to the satisfaction of the Executive Officer, a warrant of distress will be issued for the recovery of the same with costs.

Dated this day of 19

Signed)

Executive Officer,
Cantonment.

SCHEDULE II.

FORM OF WARRANT.

(See section 92.)

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B. of has not paid, and has not shown satisfactory cause for the non-payment of, the sum of due on account of * for the period of commencing on the day of 19 , and ending with the day of 19 , which sum is leviable under ;

*(Here describe the lia-

And whereas fifteen days have elapsed since the service on him of notice of demand for the same ;

This is to command you to distrain, subject to the provisions of the Cantonments Act, 192 , the moveable property of the said A. B. to the amount of the said sum of Rs. and forthwith to certify to me together with

this warrant all particulars of the property seized by you thereunder.

Dated this day of 19 .

(Signed)

Executive Officer,
Cantonment.

SCHEDULE III.

FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE.

(See section 93.)

To

residing at

Take notice that I have this day seized the property specified in the inventory annexed hereto, for the value of due for the liability* mentioned in the margin for the period commencing with the day of 19 , and ending with the day of 19 , together with Rs. due for service of notice of demand and that unless within five days from the date of the service of this notice you pay to the Cantonment Authority the said amount together with the cost of recovery, the said property will be sold.

*(Here describe the liability.)

Dated this day of 19 .

(Signature of officer executing the warrant.)

INVENTORY.

(Here state particulars of property seized.)

SCHEDULE IV.

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT.

(See section 250.)

1	2
Section.	Subject.
	PART A.
118 (1) (a) (i) ...	Drunkenness, etc.
167 ...	Making or selling of food, etc., or washing of clothes, by infected person.
	PART B.
118 (1) (a) (ii)	Using threatening or abusive words, etc.
118 (1) (a) (iii)	Indecent exposure of person, etc.
118 (1) (a) (iv)	Begging.
118 (1) (a) (v)...	Exposing deformity, etc.
118 (1) (a) (vii)	Gaming.
118 (1) (a) (xii)	Destroying notice, etc.
118 (1) (a) (xiii)	Breaking direction-post, etc.
118 (1) (f) ..	Keeping common gaming-house, etc.
118 (1) (g) ...	Beating Drum, etc.
118 (1) (h) ...	Singing, etc., so as to disturb public peace or order.
119 (6) ...	Letting loose, or setting on, ferocious dog.
125 ...	Discharging fire-arms, etc., so as to cause danger.
176 (1) ...	Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.
193 (2) ...	Destroying etc., name of street or number affixed to building.
214 ...	Feeding animal on filth, etc.
236 ...	Loitering or importuning for sexual immorality.
240 (a) ...	Remaining in, or returning to, a cantonment after notice of expulsion.

SCHEDULE V.

(See section 274.)

APPEALS FROM ORDERS.

1	2	3	4
Section.	Executive Order.	Appellate Authority.	Time allowed for appeal.
126	Cantonment Authority's notice to repair, protect or enclose a building, wall or anything affixed thereto, or well, tank, reservoir, pool, depression or excavation.	Officer Commanding the District.	Thirty days from service of notice.
134	Cantonment Authority's notice to fill up well, tank, etc., or to drain off or remove water.	Ditto	Ditto.
137	Cantonment Authority's notice to provide sufficient drainage, etc.	Ditto	Fifteen days from service of notice.
140	Cantonment Authority's notice requiring a building to be repaired or altered so as to remove sanitary defects.	Ditto	Thirty days from service of notice.
176	Order of Commanding Officer of cantonment, on report of Medical Officer, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	Ditto	Ditto.
181	Cantonment Authority's refusal to sanction the erection or re-erection of a building.	Ditto	Thirty days from date of refusal.
185	Cantonment Authority's notice to alter or demolish a building.	Ditto	Thirty days from service of notice.
188	Cantonment Authority's notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, watercourse or water-pipe.	Ditto	Ditto.

SCHEDULE V—*concld.*

1	2	3	4
Section.	Executive Order.	Appellate. Authority.	Time allowed for appeal.
206	Cantonment Authority's notice prohibiting or restricting the use of a slaughter-house.	District Magistrate.	Twenty-one days from service of notice.
238	Magistrate's notice directing disorderly person to remove from cantonment and prohibiting him from re-entering it without permission.	Ditto	Thirty days from service of notice.

SCHEDULE VI.

ENACTMENTS REPEALED.

(*See section 291.*)

Year.	No.	Short title.	Extent of repeal.
1910	XV	The Cantonments Act, 1910.	So much as has not been repealed.
1914	X	The Repealing and Amending Act, 1914.	So much of the First and Second Schedules as relates to the Cantonments Act, 1910.
1919	XVIII	The Repealing and Amending Act, 1919.	So much of the First Schedule as relates to the Cantonments Act, 1910.
1919	XXII	The Cantonments (Amendment) Act, 1919.	The whole.

STATEMENT OF OBJECTS AND REASONS.

A Committee, which was appointed by the Government of India in January 1921, to consider what changes were necessary in order to introduce into the administration of cantonments the spirit of the reformed scheme of Government, recommended a complete revision and amalgamation of the Cantonments Act (Act XV of 1910) and the Cantonment Code 1912, in order to bring into conformity with ordinary municipal law the system under which military cantonments are administered.

The recommendations of the Committee have now been examined by the Government of India and the conclusions arrived at are embodied in the Bill.

The main features of the Bill are as follows :—

(*a*) It is proposed to take power to municipalize the government of those cantonments which contain a substantial civil population having no esssential connexion with or dependence upon the military administration. In other cantonments where these circumstances do not fully exist the administration of cantonment affairs will be vested in the hands of the Commanding Officer of the Cantonment, who, for the purposes of the Act, will be constituted a corporation sole. The general effect will be that the Cantonment Authority will cease to be the purely executive agency of Government, which it is at present. In the larger cantonments the existing Cantonment Committee will be replaced by a Cantonment Board which will be municipal in character and an essentially local self-government body.

(*b*) The reformed Cantonment Authorities will have a separate legal persona, will be capable of suing and being sued in their own name and of making contracts. They will also be empowered to make bye-laws to govern local matters of administration which require different treatment in different cantonments.

(*c*) The cantonment fund under the reformed system will be a local fund vested in the Cantonment Authority.

(*d*) In the reformed cantonments where a Board is constituted a proportion of the Cantonment Board will be elected representative of the civil inhabitants of the cantonment. An official majority will, however, be maintained.

(*e*) The Cantonment Magistrate, as such, will be eliminated. In his place an "Executive Officer" will be appointed. He will be paid by Government. He will perform, amongst other things, the duties of Secretary of the Board, and he will have no judicial powers or functions.

(*f*) The Local Governments will exercise certain larger powers of superintendence and control over cantonment affairs than they do at present.

(*g*) The military authorities will retain certain special powers in matters affecting the health, welfare and discipline of troops.

DELHI : } E. BURDON.

The 17th March 1923.

Registered No. L. 864.

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PART IV.

Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Bill was introduced in the Legislative Assembly on the 3rd July 1923 :—

A

BILL

Further to amend the Indian Limitation Act, 1908.

IX of 1908. WHEREAS it is expedient further to amend the Indian Limitation Act, 1908 ; it is hereby enacted as follows :—

Short title. 1. This Act may be called the Indian Limitation (Amendment) Act, 192 .

IX of 1908. Amendment of section 19, Act IX of 1908. 2. In section 19 of the Indian Limitation Act, 1908 (hereinafter referred to as the said Act), the following amendments shall be made, namely :—

(*a*) In sub-section (*1*), for the words " an acknowledgment " the words " a clear and unconditional acknowledgment " shall be substituted, and for the words " signed by " the words "signed and dated by " shall be substituted ;

(*b*) sub-section (*2*) shall be omitted ;

(*c*) Explanation I shall be omitted ; and

(*d*) for Explanation II the following shall be substituted, namely :—

" *Explanation II.*—For the purposes of this section ' signed ' means signed either personally or by an agent duly authorised in writing in this behalf."

Amendment of section 20, Act IX of 1908. 3. (*a*) For sub-section (*1*) of section 20 of the said Act, the following shall be substituted, namely :—

" where anything is paid either as interest or part of the principal of a debt or legacy before the prescribed period by the debtor or by his agent duly authorised in writing in this behalf,

the entry as to such payment being signed and dated by the payer, a fresh period of limitation shall be computed from the date of payment."

(b) Sub-section (2) of the same section shall be omitted.

Amendment of section 21, Act IX of 1908.

4. In sub-section (1) of section 21 of the said Act, after the word "authorised," wherever it occurs, the words "in writing" shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

THE object of the proposed amendments is to decrease litigation, perjury, forgery and fraud. At present many facts are required to be proved by oral evidence which the Courts may or may not believe and the result is always uncertain.

Under the proposed amendment, a clear and unconditional acknowledgment duly signed and dated by the person liable or by his agent duly authorized in writing will be required to extend time. Debtors should not be taken by surprise by an ambiguous or undated writing which might be used to extend the period of limitation.

In section 20, there is always a dispute whether the payment was made on account of interest as such. Under the amended section, part payment of principal and payment of interest have been placed on equal footing. Similar amendment has been made in section 21. Authority of an agent to extend time under any of the sections referred to in this Bill must always be in writing and not oral.

I hope the proposed amendments, if passed into law, will considerably reduce litigation and the multiplicity of witnesses will be avoided.

GIRDHARILAL AGARWALA, M.L.A.

Dated the 7th December, 1922.

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PART IV.

Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 19th July 1923 : —

[As introduced in the Legislative Assembly.]

A Bill to consolidate and amend the Law relating to Legal Practitioners in India

WHEREAS it is expedient to consolidate and amend the Law relating to Legal Practitioners in India and to empower the Government of India and the Local Governments to establish General Bar Councils in each province ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Legal Practitioners Act, 192 .

(2) It shall come into force on the first day of January, 1924.

(3) It shall extend to the whole of British India except to the extent to which the Governor General in Council may by notification exempt from the operation of this Act.

Repeal of enactments and saving of rules, etc.

2. (*1*) On and from the first day of January, 1924, the enactments mentioned in the First Schedule hereto annexed shall be repealed to the extent specified therein.

(2) All rules and appointments made, penalties prescribed, fees fixed, persons admitted, names enrolled, certificates issued, sanctions given and orders passed under any enactment or charter hereby repealed shall be deemed to be respectively made, prescribed, fixed, admitted, enrolled, issued, given and passed under this Act.

(3) All references made to any enactment or Charter hereby repealed in any Act, Charter or

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Regulation passed, or notification published shall be read as if made under the corresponding provisions of this Act.

Interpretation clause.

3. In this Act, unless there is anything repugnant in the subject or context,—

(i) 'High Court' means a Chartered High Court and includes any other High Court or Chief Court declared by the Governor General in Council to be a High Court for the purposes of this Act;

(ii) 'Judge' means the presiding Judicial Officer in every Civil and Criminal Court by whatever title he is designated;

(iii) 'subordinate Court' means all Courts subordinate to the High Court including Courts of Small Causes, estalished under Act No. IX of 1850 or Act No. XI of 1865 or Act No. IX of 1887;

(iv) 'revenue office' includes all Courts (other than Civil Courts) trying suits under any Act for the time being in force relating to landholders and their tenants or agents;

(v) Advocate General' includes the Senior Government advocate or Pleader practising in the High Court;

(vi) 'Legal Practitioner' means an Advocate or Vakil called to the Bar or enrolled under the provisions of this Act; and

(vii) 'Pleader' means and Advocate or Vakil or Attorney of a High Court and includes Pleaders and Mukhtiars practising or entitled to practise under the Legal Practitioners Act, 1879, as on the thirty-first day of December, 1923, but does not include a person who has been admitted either as an Advocate or Vakil under the provisions of this Act.

VII of 1879.

CHAPTER II.

THE GENERAL BAR COUNCILS AND DISTRICT BAR COUNCIL.

Constitution of the General Bar Council.

4. (1) The Local Governments in provinces where there is a High Court shall, immediately on the passing of this Act, establish at the Headquarters of the High Court of their respective provinces a General Bar Council which shall include three Judges of the High Court including the Chief Justice or Chief Judge, the Advocate General and sixteen non-official members being Advocates or Vakils or Attorneys of the High Court and practising in the High Courts.

(2) In provinces where no High Court is established the Government of India may authorise the General Bar Council of an adjoining province to exercise jurisdiction in and to act as General Bar Council of that province also.

(3) The non-official members appointed to the General Bar Council shall hold office for a period of four years.

(4) All vacancies in the office of the General Bar Council shall be filled up by election by the Advocates of the High Court of that province in accordance with the rules framed on that behalf by the 1st Council.

(5) The Chief Justice or the Chief Judge of the High Court and the Advocate General shall be *ex-officio* members of the General Bar Council.

(6) The Local Government shall appoint two Judges of the High Court to be members of the General Bar Council and the Judges so appointed shall hold office for four years.

Appointment of District Bar Council.

5. The General Bar Council shall apppoint District Bar Councils at the Headquarters of a District Judge which shall consist of the District Judge, the senior Subordinate Judge of the District, the Government Pleader and seven other legal practitioners or pleaders to be chosen from amongst those practising in the District. It shall be the duty of the District Council to act under the orders of the General Bar Council in all matters affecting the profession and to report to the General Bar Council all matters effecting the profession.

Saving of existing rights.

6 Notwithstanding anything contained in this Act or in the rules framed thereunder every person entered as a Vakil, Advocate or Attorney on the roll of any High Court as on the thirty-first day of December, 1923, shall be entitled to continue to practise in any Court or revenue office in the same manner and under the same conditions and with the same rights and privileges as to acting and pleading as they exist under the laws, rules and regulations now in force or to be in force on the 31st December, 1923.

Enrolling Authority.

7. On and from the first day of January, 1924, the authority to admit and enrol persons to practise in courts in British India shall vest in the General Bar Council of the province. The Bar Council may, subject to such regulations and rules as it may pass from time to time, call to the Indian Bar persons qualified to be so called as Advocates of the High Court and in provinces where the local Legislature so desires by a Resolution carried in the Council, also enrol persons qualified to be enrolled as Vakils.

Admission of Advocates.

8. Advocates called to the Indian Bar by the General Bar Council of a province shall be entitled to practise and act or plead in the High Court and all the Courts subordinate thereto in that province and in all revenue offices situated in the local jurisdiction of that Court subject nevertheless to such rules and regulations as may be prescribed by the General Bar Council. They shall also be entitled to practise in any other Court or revenue office in British India with the permission of the General Bar Council of that province either generally or specially given and subject to such rules and regulations as that Council may, by general or special rule, prescribe.

Admission of Vakils.

9. Vakils enrolled under the provisions of this Act by the General Bar Council of a province shall be entitled to practise and act or plead in all the Courts subordinate to the High Court of that province and in all the revenue offices situated within the local limits of the appellate jurisdiction of the High Court of that province.

Admission of Vakils, Attorneys and Advocates to the Indian Bar.

10. Every person who is entered as a Vakil, Attorney, or Advocate of any Chartered High Court shall be entitled to be called to the Indian Bar as an Advocate under the provisions of this Act subject to the payment of such fees as may be prescribed by the General Bar Council. All Pleaders and Mukhtiars may, on the recommendation of the District Bar Council, be enrolled as Vakil by the General Bar Council subject to the payment of such fees as may be prescribed.

Admission of Barristers, Solicitors, etc., to Indian Bar.

11. Barristers of England or the members of the Faculty of advocates in Scotland and Attorneys or Solicitors of His Majesty's High Courts in England are also entitled to be called to the Indian Bar as Advocates subject to the conditions and payments of such fees as may be prescribed by the General Bar Council.

None except a legal practitioner or pleader to practise.

12. No person who is not a legal practitioner or pleader within the meaning of this Act shall practise in any Court or revenue office in British India. Nothing herein contained shall affect the right of a party or his especially authorized agent to conduct his own case.

CHAPTER III.

POWERS OF THE GENERAL BAR COUNCIL.

The General Bar Council to be the representative body.

13. The General Bar Council shall be the accredited representative of the Bar of the province and its duty is to deal with all matters affecting the profession and to take such action thereon as may be deemed expedient. The various Bar Councils shall act together in matters affecting their common interests, under such rules as may be laid down by the Government of India.

Power of the General Bar Council to make rules.

14. The General Bar Council of a province may, from time to time, make rules consistent with the provisions of this Act, and with the principle contained in section 96 of the Government of India Act, 1915, in respect of the following matters :—

5 and 6 Geo. V, c. 61.

(a) The qualifications, admissions, calling, enrolment and certificate of proper persons to be Advocates or Vakils for the purposes of this Act and without any limitation as to the number called or enrolled.

(b) The fees to be paid for the examination, calling, enrolment and admission of such persons.

(c) The removal, suspension of legal practitioners and the procedure relating to the inquiry of professional misconduct and generally to consider profession, conduct, etiquette and all other matters of disciplinary jurisdiction.

(d) Appointment of Advocates and Vakils by the parties and fees payable to them.

(e) Defining the functions of the District Bar Council and regulating their procedure and generally to carry out the purposes of this Act.

Bar Councils corporate bodies.

15. The General Bar Council and the District Bar Council shall respectively be body corporate.

Appointment of Board of Examiners.

16. To facilitate the ascertainment of the qualifications of persons to be called to the Indian Bar or enrolled as Vakils, the Bar Council shall from time to time appoint persons to form a Board of Examiners and may from time to time make regulations for conducting such examinations.

Committees.

17. The General Bar Council may also appoint from among its own members a Committee of not less than 3 and not more than 7 for disciplinary purposes.

Appointment of officers.

18. The General Bar Council may, subject to the approval of the Local Government, appoint such officers, clerks and servants as they may deem fit and to prescribe their respective duties.

Power of High Court over legal practitioners.

19. Nothing herein contained shall affect the power of the High Court to exercise its disciplinary jurisdiction over all legal practitioners and pleaders and such jurisdiction may be exercised subject to the procedure prescribed by the rules made by the High Court.

Appeals against decisions of General Bar Council.

20. An appeal shall lie to the High Court against the decisions of the General Bar Council either disbarring or suspending a legal practitioner.

Penalties.

21. Any person not being a legal practitioner or pleader who practises as such in any Court or revenue office shall be liable to a fine not exceeding one thousand rupees.

THE SCHEDULE.

(SEE SECTION 2.)

Enactments repealed.

Year.	No.	Short title.	Extent of repeal.
		Acts of the Governor-General in Council.	
1879	XVIII	The Legal Practitioners Act, 1879.	The whole.
1908	V	The Code of Civil Procedure, 1908.	Order III, Rule IV.
		Bombay Act.	
1920	XVII	The Bombay Pleaders Act, 1920.	The whole.
		Letters Patent of the Chartered High Courts.	
		Letters Patent of the High Court of Judicature at Fort William in Bengal.	Clause 9.
		Letters Patent of the Chartered High Court concld.	
1920	XVII	Letters Patent of the High Court of Judicature of Madras.	Clause 9.
		Letters Patent of the High Court of Judicature at Bombay.	Clause 9.
		Letters Patent of the High Court of Judicature at Allahabad.	Clause 7.
		Letters Patent of the High Court of Judicature at Patna.	Clause 7.
		Letters Patent of the High Court of Judicature at Lahore.	Clause 7.
		Letters Patent of the High Court of Judicature at Rangoon.	Clause 7.

STATEMENT OF OBJECTS AND REASONS.

It has been the long felt desire of the legal profession in India in all its branches to reorganize the legal profession of the country to secure a self-contained and unified independent Indian Bar functioning in the same manner as the sister organizations of Great Britain and the United States. With this object Munshi Iswar Saran brought a Resolution in the Legislative Assembly on the 24th February, 1921, requesting the Government to undertake legislation to remove all distinctions enforced by Statute or by practice between the several branches of the legal profession and the Honourable the Law Member on behalf of the Government was prepared to be guided by definite public opinion in the matter and accordingly undertook to make reference to the Local Governments, High Courts and local bodies in India, and a motion to that effect was accepted by the Assembly. Sufficient time has since elapsed and it is therefore necessary to focus legal public opinion in the matter. The object of the Bill is to create one Indian Bar, and only where the circumstances of a province require it, but not otherwise, another for the mofussil districts and at the same time to secure for the profession one single self-contained representative body with powers of enrolment and discipline and regulation of professional conduct and other matters connected therewith.

T. RANGACHARIAR.

Dated the 22nd July, 1922.

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PART IV.

Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Bill was introduced in the Legislative Assembly on the 27th July 1923 :—

[As introduced in the Council of State.]

A Bill to consolidate the law applicable to intestate and testamentary succession in British India.

WHEREAS it is expedient to consolidate the law applicable to intestate and testamentary succession in British India ; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called the Indian Succession Act, 192 .

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " administrator " means a person appointed by competent authority to administer the estate of a deceased person when there is no executor ;

(*b*) " codicil " means an instrument made in relation to a will, and explaining, altering or adding to its dispositions, and shall be deemed to form part of the will ;

(*c*) " executor " means a person to whom the execution of the last will of a deceased person is, by the testator's appointment, confided ;

(*d*) " Indian Christian " means a native of India who is, or in good faith claims to be, of unmixed Asiatic decent and who professes any form of the Christian religion ; Section 2, Act VII of 1901.

(*e*) " minor " means any person subject to the Indian Majority Act, 1875, who has not attained his majority within the meaning of that Act, and any other person who has not completed the age of eighteen years ; and " minority " means the status of any such person ; IX of 1875. Section 3, Act V of 1881.

(f) "probate" means the copy of a will certified under the seal of a Court of competent jurisdiction with a grant of administration to the estate of the testator; and

(g) "will" means the legal declaration of the intention of a testator with respect to his property which he desires to be carried into effect after his death.

Section 332, Act X of 1865.

Power of Local Government to exempt any race, sect or tribe in the territories administered by the Local Government from operation of Act.

3. (1) The Local Government may, by notification in the local official Gazette, either retrospectively from the passing of this Act or prospectively, exempt from the operation of any of the following provisions of this Act, namely, sections 4, 6 to 45, 53 to 55, 57 to 190, 210, 211 and 213 to 369, the members of any race, sect or tribe in the province, or of any part of such race, sect or tribe, to whom the Local Government considers it impossible or inexpedient to apply such provisions or any of them mentioned in the order.

Section 2, Schedule 1, Act XXXIII of 1910.

(2) The Local Government may, by a like notification, revoke any such order, but not so that the revocation shall have retrospective effect.

X of 1865.

(3) Persons exempted under this section or exempted from the operation of any of the provisions of the Indian Succession Act, 1865, under section 332 of that Act are in this Act referred to as "exempted persons".

Section 4, Act X of 1865.

Interests and powers not acquired nor lost by marriage.

4. No person shall, by marriage, acquire any interest in the property of the person whom he or she marries or becomes incapable of doing any act in respect of his or her own property which he or she could have done if unmarried:

Provided that this section—

Section 331, Act X of 1865.

(1) shall not apply to any marriage contracted before the first day of January, 1866;

Section 2, Act III of 1874.

(2) shall not apply, and shall be deemed never to have applied, to any marriage one or both of the parties to which professed at the time of the marriage the Hindu, Muhammadan, Buddhist, Sikh or Jaina religion.

PART II.

OF DOMICILE.

Section 331, Act X of 1865.

Application of Part.

5. This Part shall not apply if the deceased was a Hindu, Muhammadan, Buddhist, Sikh or Jaina.

Section 5, Act X of 1865.

Law regulating succession to deceased person's immoveable and moveable property, respectively.

6. (1) Succession to the immoveable property in British India of a person deceased shall be regulated by the law of British India, wherever such person may have had his domicile at the time of his death.

(2) Succession to the moveable property of a person deceased is regulated by the law of the country in which such person had his domicile at the time of his death.

Illustrations.

(a) A, having his domicile in British India, dies in France, leaving moveable property in France, moveable property in England, and property, both moveable and immoveable in British India. The succession to the whole is regulated by the law of British India.

(b) A, an Englishman, having his domicle in France dies in British India, and leaves property, both moveable and immoveable, in British India. The succession to the moveable property is regulated by the rules which govern in France, the succession to the moveable property of an Englishman dying domiciled in France, and the succession to the immoveable property is regulated by the law of British India.

One domicile only affects succession to moveables.

7. A person can have only one domicile for the purpose of the succession to his moveable property.

Domicile of origin of person of legitimate birth.

8. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled; or, if he is a postumous child, in the country in which his father was domiciled at the time of the father's death.

Illustration.

At the time of the birth of A, his father was domiciled in England. A's domicile of origin is in England, whatever may be the country in which he was born.

Domicile of origin of illegitimate child.

9. The domicile of origin of an illegitimate child is in the country in which, at the time of his birth, his mother was domiciled.

Continuance of domicile of origin.

10. The domicile of origin prevails until a new domicile has been acquired.

Acquisition of new domicile.

11. A man acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

Explanation.—A man is not to be deemed to have taken up his fixed habitation in British India merely by reason of his residing there in His Majesty's civil or military service, or in the exercise of any profession or calling.

Illustrations.

(a) A, whose domicile of origin is in England, proceeds to British India, where he settles as a barrister or a merchant, intending to reside there during the remainder of his life. His domicile is now in British India.

(b) A, whose domicile is in England, goes to Austria, and enters the Austrian service, intending to remain in that service. A has acquired a domicile in Austria.

(c) A, whose domicile of origin is in France, comes to reside in British India under an engagement with the Government of India for a certain number of years. It is his intention to return to France at the end of that period. He does not acquire a domicile in British India.

(d) A, whose domicile is in England, goes to reside in British India for the purpose of winding up the affairs of a partnership which has been dissolved, and with the intention of returning to England as soon as that purpose is accomplished. He does not by such residence acquire a domicile in British India, however long the residence may last.

(e) A, having gone to reside in British India in the circumstances mentioned in the last preceding illustration, afterwards alters his intention, and takes up his fixed habitation in British India. A has acquired a domicile in British India.

(*f*) A, whose domicile is in the French Settlement of Chandernagore, is compelled by political events to take refuge in Calcutta and resides in Calcutta for many years in the hope of such political changes as may enable him to return with safety to Chandernagore. He does not by such residence acquire a domicile in British India.

(*g*) A, having come to Calcutta in the circumstances stated in the last preceding illustration, continues to reside there after such political changes have occurred as would enable him to return with safety to Chandernagore, and he intends that his residence in Calcutta shall be permanent. A has acquired a domicile in British India.

Special mode of acquiring domicile in British India.

12. Any person may acquire a domicile in British India by making and depositing in some office in British India, appointed in this behalf by the Local Government, a declaration in writing under his hand of his desire to acquire such domicile; provided that he has been resident in British India for one year immediately preceding the time of his making such declaration.

Domicile not acquired by residence as representative of foreign Government, or as part of his family.

13. A person who is appointed by the Government of one country to be its ambassador, consul or other representative in another country does not acquire a domicile in the latter country by reason only of residing there in pursuance of his appointment; nor does any other person acquire such domicile by reason only of residing with such first-mentioned person as part of his family, or as a servant.

Continuance of new domicile.

14. A new domicile continues until the former domicile has been resumed or another has been acquired.

Minor's domicile.

15. The domicile of a minor follows the domicile of the parent from whom he derived his domicile of origin.

Exception.—The domicile of a minor does not change with that of his parent, if the minor is married or holds any office or employment in the service of His Majesty, or has set up, with the consent of the parent, in any distinct business.

Domicile acquired by woman on marriage.

16. By marriage a woman acquires the domicile of her husband, if she had not the same domicile before.

Wife's domicile during marriage.

17. A wife's domicile during her marriage follows the domicile of her husband.

Exception.—The wife's domicile no longer follows that of her husband if they are separated by the sentence of a competent Court, or if the husband is undergoing a sentence of transportation.

Minor's acquisition of new domicile.

18. Save as hereinbefore otherwise provided in this Part, a person cannot, during minority, acquire a new domicile.

Lunatic's acquisition of new domicile.

19. An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person.

Succession to moveable property in British India in absence of proof of domicile elsewhere.

20. If a person dies leaving moveable property in British India, in the absence of proof of any domicile elsewhere, succession to the property is regulated by the law of British India. Section 19, Act X of 1865.

PART III.

INTESTATE SUCCESSION.

CHAPTER I.

Preliminary.

Application of Part.

21. (*1*) This Part shall not apply to any intestacy occurring before the first day of January 1866, or to the property of any Hindu, Muhammadan, Buddhist, Sikh or Jaina. Section 2 and 331, Act X of 1865.

(*2*) Save as provided in sub-section (1) or by any other law for the time being in force, the provisions of this Part shall constitute the law of British India in all cases of intestacy. Section 8, Act XXI of 1865.

As to what property deceased considered to have died intestate.

22. A person is deemed to die intestate in respect of all property of which he has not made a testamentary disposition which is capable of taking effect. Section 25, Act X of 1865.

Illustrations.

(*a*) A has left no will. He has died intestate in respect of the whole of his property.

(*b*) A has left a will, whereby he has appointed B his executor; but the will contains no other provisions. A has died intestate in respect of the distribution of his property.

(*c*) A has bequeathed his whole property for an illegal purpose. A has died intestate in respect of the distribution of his property.

(*d*) A has bequeathed 1,000 rupees to B and 1,000 rupees to the eldest son of C, and has made no other bequest; and has died leaving the sum of 2,000 rupees and no other property. C, died before A without having ever had a son. A has died intestate in respect of the distribution of 1,000 rupees.

CHAPTER II.

RULES IN CASES OF INTESTATES OTHER THAN PARSIS.

Of Consanguinity.

Chapter not to apply to Parsis.

23. Nothing in this Chapter shall apply to Parsis. Section 8, Act XXI of 1865.

Kindred or consanguinity.

24. Kindred or consanguinity is the connection or relation of persons descended from the same stock or common ancestor. Section 20, Act X of 1865.

Lineal consanguinity.

25. (*1*) Lineal consanguinity is that which subsists between two persons, one of whom is descended in a direct line from the other, as between a man and his father, grandfather and great-grandfather, and so upwards in the direct ascending line, or between a man and his son, grandson, great-grand son and so downwards in the direct descending line. Section 21, Act X of 1865.

(*2*) Every generation constitutes a degree, either ascending or descending.

(3) A person's father is related to him in the first degree, and so likewise is his son; his grandfather and grandson in the second degree; his great-grandfather and great-grandson in the third degree, and so on.

Section 22, Act X of 1865.

Collateral consanguinity.

26. (1) Collateral consanguinity is that which subsists between two persons who are descended from the same stock or ancestor, but neither of whom is descended in a direct line from the other.

(2) For the purpose of ascertaining in what degree of kindred any collateral relative stands to a person deceased, it is necessary to reckon upwards from the person deceased to the common stock and then downwards to the collateral relative, a degree being allowed for each person, both ascending and descending.

Section 23, Act X of 1865.

Persons held for purpose of succession to be similarly related to deceased.

27. For the purpose of succession, there is no distinction—

(a) between those who are related to a person deceased through his father, and those who are related to him through his mother; or

(b) between those who are related to a person deceased by the full blood, and those who are related to him by the half blood; or

(c) between those who were actually born in the lifetime of a person deceased and those who at the date of his death were only conceived in the womb but who have been subsequently born alive.

Section 24, Act X of 1865.

Mode of computing of degrees of kindred.

28. Degrees of kindred are computed in the manner set forth in the table of kindred set out in Schedule I.

Illustrations.

(a) The person whose relatives are to be reckoned, and his cousin-german, or first cousin, are, as shown in the table related in the fourth degree, there being one degree of ascent to the father, and another to the common ancestor, the grandfather; and from him one of descent to the uncle, and another to the cousin-german; making in all four degrees.

(b) A grandson of the brother and a son of the uncle, *i.e.*, a great-nephew and a cousin-german, are in equal degree, being each four degrees removed.

(c) A grandson of a cousin-german is in the same degree as the grandson of a great uncle, for they are both in the sixth degree of kindred.

Section 26, Act X of 1865.

Devolution of such property.

29. The property of an intestate devolves upon the wife or husband, or upon those who are of the kindred of the deceased, in the order and according to the rules hereinafter contained in this Chapter.

Explanation.—A widow is not entitled to the provision hereby made for her if, by a valid contract made before her marriage, she has excluded from her distributive share of her husband's estate.

30. Where the intestate has left a widow—

Section [illegible] Act X of 1865.

Where intestate has left widow and lineal descendants, or widow and kindred only, or widow and no kindred.

(a) If he has also left any lineal descendants, one-third of his property shall belong to his widow, and the remaining two-thirds shall go to his lineal descendants, according to the rules hereinafter contained;

(b) if he has left no lineal descendant, but has left persons who are of kindred to him, one-half of his property shall belong to his widow, and the other half shall go to those who are of kindred to him, in the order and according to the rules hereinafter contained;

(c) if he has left none who are of kindred to him, the whole of his property shall belong to his widow.

Section [illegible] Act X of 1865.

Where intestate has left no widow, and where he has left no kindred.

31. Where the intestate has left no widow, his property shall go to his lineal descendants or to those who are of kindred to him, not being lineal descendants, according to the rules hereinafter contained; and, if he has left none who are of kindred to him, it shall go to the Crown.

Section [illegible] Act X of 1865.

Rules of distribution.

32. The rules for the distribution of the intestate's property (after deducting the widow's share, if he has left a widow) amongst his lineal descendants shall be those contained in sections 33 to 36.

Section [illegible] Act X of 1865.

Where intestate has left child or children only.

33. Where the intestate has left surviving him a child or children, but no more remote lineal descendant through a deceased child, the property shall belong to his surviving child, if there is only one, or shall be equally divided among all his surviving children.

Section [illegible] Act X of 1865.

Where intestate has left no child, but grandchild or grandchildren.

34. Where the intestate has not left surviving him any child, but has left a grandchild or grandchildren and no more remote descendant through a deceased grandchild, the property shall belong to his surviving grandchild if there is only one, or shall be equally divided among all his surviving grandchildren.

Illustrations.

(a) *A* has three children, and no more, John, Mary and Henry. They all die before the father, John leaving two children, Mary three, and Henry four. Afterwards *A* dies intestate, leaving those nine grandchildren and no descendant of any deceased grandchild. Each of his grandchildren shall have one-ninth.

(b) But if Henry has died, leaving no child then the whole is equally divided between the intestate's five grandchildren, the children of John and Mary.

(c) A has two children, and no more; John and Mary. John dies before his father, leaving his wife pregnant. Then *A* dies, leaving Mary surviving him, and in due time a child of John is born. *A's* property is to be equally divided between Mary and the posthumous child.

Section 32, Act X of 1865.

Where intestate has left only great-grandchildren or remoter lineal descendants.

35. In like manner the property shall go to the surviving lineal descendants who are nearest in degree to the intestate, where they are all in the degree of great-grandchildren to him, or are all in a more remote degree.

Section 33, Act X of 1865.

Where intestate lineal descendants not all in same degree of kindred to him, and those through whom the more remote are descended are dead.

36. (1) If the intestate has left lineal descendants who do not all stand in the same degree of kindred to him, and the persons through whom the more remote are descended from him are dead, the property shall be divided into such a number of equal shares as may correspond with the number of the lineal descendants of the intestate who either stood in the nearest degree of kindred to him at his decease, or, having been of the like degree of kindred to him, died before him, leaving lineal descendants who survived him.

(2) One of such shares shall be allotted to each of the lineal descendants who stood in the nearest degree of kindred to the intestate at his decease; and one of such shares shall be allotted in respect of each of such deceased lineal descendants; and the share allotted in respect of each of such deceased lineal descendants shall belong to his surviving child or children or more remote lineal descendants, as the case may be; such surviving child or children or more remote lineal descendants always taking the share which his or their parent or parents would have been entitled to respectively if such parent or parents had survived the intestate.

Illustrations.

(a) A had three children, John, Mary and Henry; John died, leaving four children, and Mary died, leaving one, and Henry alone survived the father. On the death of A. intestate, one-third is allotted to Henry, one-third to John's four children, and the remaining third to Mary's one child.

(b) A left no child, but left eight grandchildren, and two children of a deceased grandchild. The property is divided into nine parts, one of which is allotted to each grandchild, and the remaining one-ninth is equally divided between the two great-grandchildren.

(c) A has three children, John, Mary and Henry; John dies leaving four children; and one of John's children dies leaving two children. Mary dies leaving one child. A afterwards dies intestate. One-third of his property is allotted to Henry, one-third to Mary's child, and one-third is divided into four parts, one of which is allotted to each of John's three surviving children, and the remaining part is equally divided between John's two grandchildren.

Section 34, Act X of 1865.

Rules of distribution where intestate has left no lineal descendants.

37. Where an intestate has left no lineal descendants, the rules for the distribution of his property (after deducting the widow's share, if he has left a widow) shall be those contained in sections 38 to 44.

Section 35, Act X of 1865.

Where intestate's father living.

38. If the intestate's father is living he shall succeed to the property.

Section 36, Act X of 1865.

Where intestate's father dead, but his mother, brothers and sisters living.

39. If the intestate's father is dead, but the intestate's mother is living and there are also brothers or sisters of the intestate living, and there is no child living of any deceased brother or sister, the mother and each living brother or sister shall succeed to the property in equal shares.

Illustration.

A dies intestate, survived by his mother and two brothers of the full blood, John and Henry, and a sister Mary, who is the daughter of his mother but not of his father. The mother takes one-fourth, each brother takes one-fourth and Mary, the sister of half blood, takes one-fourth.

Section 37, Act X of 1865.

Where intestate's father dead and his mother, a brother or sister, and children of any deceased brother or sister living.

40. If the intestate's father is dead, but the intestate's mother is living, and if any brother or sister and the child or children of any brother or sister who may have died in the intestate's life-time are also living, then the mother and each living brother or sister, and the living child or children of each deceased brother or sister, shall be entitled to the property in equal shares, such children (if more than one) taking in equal shares only the shares which their respective parents would have taken if living at the intestate's death.

Illustration.

A, the intestate, leaves his mother, his brothers, John and Henry, and also one child of a deceased sister, Mary, and two children of George, a deceased brother of the half blood who was the son of his father but not of his mother. The mother takes one-fifth, John and Henry each takes one-fifth, the child of Mary takes one-fifth, and the two children of George divide the remaining one-fifth equally between them.

Section 38, Act X of 1865.

Where intestate's father dead and his mother and children of any deceased brother or sister living.

41. If the intestate's father is dead, but the intestate's mother is living, and the brothers and sisters are all dead, but all or any of them have left children who survived the intestate, the mother and the child or children of each deceased brother or sister shall be entitled to the property in equal shares, such children (if more than one) taking in equal shares only the shares which their respective parents would have taken if living at the intestate's death.

Illustration.

A, the intestate, leaves no brother or sister, but leaves his mother and one child of a deceased sister, Mary, and two children of a deceased brother, George. The mother takes one-third, the child of Mary takes one-third, and the children of George divide the remaining one-third equally between them.

Section 39, Act X of 1865.

Where intestate's father dead, but his mother living and no brother, sister, nephew or niece.

42. If the intestate's father is dead, but the intestate's mother is living, and there is neither brother, nor sister, nor child of any brother or sister of the intestate, the property shall belong to the mother.

Section 40, Act X of 1865.

Where intestate has left neither lineal descendant, nor father, nor mother.

43. Where the intestate has left neither lineal descendant, nor father, nor mother, the property shall be divided equally between his brothers and sisters and the child or children of such of them as may have died before him, such children (if more than one) taking in equal shares only the shares which their respective parents would have taken if living at the intestate's death.

tion 41, X of

44. If the intestate has left neither lineal descendant, nor parent, nor brother, nor sister, his property shall be divided equally among those of his relatives who are in the nearest degree of kindred to him.

Where intestate has left neither lineal descendant, nor parent, nor brother, nor sister.

Illustrations.

(a) A, the intestate, has left a grandfather and a grandmother and no other relative standing in the same or a nearer degree of kindred to him. They, being in the second degree, will be entitled to the property in equal shares, exclusive of any uncle or aunt of the intestate, uncles and aunts being only in the third degree.

(b) A, the intestate, has left a great-grandfather, or a great-grandmother, and uncles and aunts, and no other relative standing in the same or a nearer degree of kindred to him. All of these being in the third degree shall take equal shares.

(c) A, the intestate, left a great-grandfather, an uncle and a nephew, but no relative standing in a nearer degree of kindred to him. All of these being in the third degree shall take equal shares.

(d) Ten children of one brother or sister of the intestate, and one child of another brother or sister of the intestate, constitute the class of relatives of the nearest degree of kindred to him. They shall each take one-eleventh of the property.

tion 42, V of

45. Where a distributive share in the property of a person who has died intestate is claimed by a child, or any descendant of a child, of such person, no money or other property which the intestate may, during his life, have paid, given or settled to, or for the advancement of, the child by whom or by whose descendant the claim is made shall be taken into account in estimating such distributive share.

Children's advancements not brought into hotchpot.

CHAPTER III.

Special Rules for Parsi Intestates.

tion 1, XXI of

46. Where a Parsi dies leaving a widow and children, the property of which he dies intestate shall be divided among the widow and children, so that the share of each son shall be double the share of the widow, and that her share shall be double the share of each daughter.

Division of property among widow and children of intestate.

ion 2, XXI of

47. Where a female Parsi dies leaving a widower and children, the property of which she dies intestate shall be divided among the widower and such children, so that his share shall be double the share of each of the children.

Division of property among widower and children of intestate.

on 3, XXI of

48. When a Parsi dies leaving children but no widow, the property of which he dies intestate shall be divided amongst the children, so that the share of each son shall be four times the share of each daughter.

Division of property amongst the children of male intestate who leaves no widow.

on 4, XI of

49. When a female Parsi dies leaving children but no widower, the property of which she dies intestate shall be divided amongst the children in equal shares.

Division of property amongst the children of female intestate who leaves no widower.

50. If any child of a Parsi intestate has died in his or her life-time, the widow or widower and issue of such child shall take the share which such child would have taken if living at the intestate's death in such manner as if such deceased child had died immediately after the intestate's death.

Division of predeceased child's share of intestate's property among the widow or widower and issue of such child.

Section 5, Act XXI, 1865.

51. Where a Parsi dies leaving a widow or widower, but without leaving any lineal descendants,—

Division of property when the intestate leaves a widow or widower, but no lineal descendants.

Section 6, Act XXI, 1865.

(a) his or her father and mother, if both are living, or one of them if the other is dead, shall take one moiety of the property in respect of which he or she dies intestate, and the widow or widower shall take the other moiety, provided that where both the father and the mother of the intestate survive him or her, the father's share shall be double the share of the mother;

(b) where neither the father nor the mother of the intestate survives him or her, the intestate's relatives on the father's side, in the order specified in Part I of Schedule II, shall take the moiety which the father and the mother would have taken if they had survived the intestate. The next-of-kin standing first in Part I of that Schedule shall be preferred to those standing second, the second to the third, and so on in succession, provided that the property shall be so distributed as that each male shall take double the share of each female standing in the same degree of propinquity;

(c) where there are no relatives on the father's side, the intestate's widow or widower shall take the whole.

52. When a Parsi dies leaving neither lineal descendants nor a widow or widower, his or her next-of-kin, in the order set forth in Part II of Schedule II, shall be entitled to succeed to the whole of the property as to which he or she dies intestate. The next-of-kin standing first in Part II of the same Schedule shall be preferred to those standing second, the second to the third, and so on in succession, provided that the property shall be so distributed as that each male shall take double the share of each female standing in the same degree of propinquity.

Division of property when the intestate leaves neither widow nor widower, nor lineal descendants.

Section 7, Act XXI, 1865.

CHAPTER IV.

Of the Effect of Marriage and Marriage-settlements on Property.

Section 43, Act X of 1865.

Rights of widower and widow respectively.

53. A husband surviving his wife has the same rights in respect of her property, if she dies intestate, as a widow has in respect of her husband's property if he dies intestate:

Section 8, Act XXI of 1865.

Provided that nothing in this section shall apply to Parsis.

Section 44, Act X of 1865.

Effect of marriage between person domiciled and one not domiciled in British India.

54. If a person whose domicile is not in British India marries in British India a person whose domicile is in British India, neither party acquires by the marriage any rights in respect of any property of the other party not comprised in a settlement made previous to the marriage, which he or she would not acquire thereby if both were domiciled in British India at the time of the marriage.

Section 45, Act X of 1865.

Settlement of minor's property in contemplation of marriage.

55. The property of a minor may be settled in contemplation of marriage, provided the settlement is made by the minor with the approbation of the minor's father, or, if the father is dead or absent from British India, with the approbation of the High Court.

PART IV.

TESTAMENTARY SUCCESSION.

CHAPTER I.

Introductory.

Sections 2 & 3, Act XXI of 1870.

Application of certain provisions of Part to a class of wills made by Hindus, etc.

56. The provision of this Part which are set out in Schedule III shall, subject to the restrictions and modifications specified therein, apply—

(*a*) to all wills and codicils made by any Hindu, Buddhist, Sikh or Jaina, on or after the first day of September, 1870, within the territories which at the said date were subject to the Lieutenant-Governor of Bengal or within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Madras and Bombay; and

(*b*) to all such wills and codicils made outside those territories and limits so far as relates to immoveable property situate within those territories or limits:

Provided that marriage shall not revoke any such will or codicil.

Section 331, Act X of 1865.

General application of Part.

57. (*1*) The provisions of this Part shall not apply to testamentary succession to the property of any Muhammadan nor, save as provided by section 56, to testamentary succession to the property of any Hindu, Buddhist, Sikh or Jaina, nor shall they apply to any will made before the first day of January, 1866.

(*2*) Save as provided in sub-section (*1*) or by any other law for the time being in force, the provisions of this Part shall constitute the law of British India applicable to all cases of testamentary succession. Section 2, Act X of 1865.

CHAPTER II.

OF WILLS AND CODICILS.

Person capable of making wills.

58. Every person of sound mind not being a minor may dispose of his property by will. Section 46, Act X of 1865.

Explanation 1.—A married woman may dispose by will of any property which she could alienate by her own act during her life.

Explanation 2.—Persons who are deaf or dumb or blind are not thereby incapacitated for making a will if they are able to know what they do by it.

Explanation 3.—A person who is ordinarily insane may make a will during an interval in which he is of sound mind.

Explanation 4.—No person can make a will while he is in such a state of mind, whether arising from intoxication or from illness or from any other cause, that he does not know what he is doing.

Illustrations.

(*a*) A can perceive what is going on in his immediate neighbourhood, and can answer familiar questions, but has not a competent understanding as to the nature of his property, or the persons who are of kindred to him, or in whose favour it would be proper that he should make his will. A cannot make a valid will.

(*b*) A executes an instrument purporting to be his will, but he does not understand the nature of the instrument nor the effect of its provisions. This instrument is not a valid will.

(*c*) A, being very feeble and debilitated, but capable of exercising a judgment as to the proper mode of disposing of his property, makes a will. This is a valid will.

Testamentary guardian.

59. A father, whatever his age may be, may by will appoint a guardian or guardians for his child during minority. Section 47, Act X of 1865.

Will obtained by fraud, coercion or importunity.

60. A will or any part of a will, the making of which has been caused by fraud or coercion or by such importunity as takes away the free agency of the testator, is void. Section 48, Act X of 1865.

Illustrations.

(*a*) A falsely and knowingly represents to the testator that the testator's only child is dead, or that he has done some undutiful act and thereby induces the testator to make a will in his, A's favour; such will has been obtained by fraud, and is invalid.

(*b*) A, by fraud and deception, prevails upon the testator to bequeath a legacy to him. The bequest is void.

(*c*) A, being a prisoner by lawful authority, makes his will. The will is not invalid by reason of the imprisonment.

(*d*) A threatens to shoot B, or to burn his house or to cause him to be arrested on a criminal charge, unless he makes a bequest in favour of C. B, in consequence makes a bequest in favour of C. The bequest is void, the making of it having been caused by coercion.

(e) A, being of efficient intellect, if undisturbed by the influence of others to make a will yet being so much under the control of B that he is not a free agent makes a will, dictated by B. It appears that he would not have executed the will but for fear of B. The will is invalid.

(f) A, being in so feeble a state of health as to be unable to resist importunity, is pressed by B. to make a will of a certain purport and does so merely to purchase peace and in submission to b. The will is invalid.

(g) A being in such a state of health as to be capable of exercising his own judgment and volition, B uses urgent intercession and persuasion with him to induce him to make a will of a certain purport. A, in consequence of the intercession and persuasion, but in the free exercise of his judgment and volition makes his will in the manner recommended by B. The will is not rendered invalid by the intercession and persuasion of B.

(h) A, with a view to obtaining a legacy from B pays him attention and flatters him and thereby produces in him a capricious partiality to A. B, in consequence of such attention and flattery, makes his will, by which he leaves a legacy to A. The bequest is not rendered invalid by the attention and flattery of A.

Section 49, Act X of 865.

Will may be revoked or altered.

61. A will is liable to be revoked or altered by the maker of it at any time when he is competent to dispose of his property by will

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CHAPTER III.

OF THE EXECUTION OF UNPRIVILEGED WILLS.

Section 50, Act X Of 1865.

Execution of unprivileged wills.

62. Every testator, not being a soldier employed in an expedition or engaged in actual warfare, or a mariner at sea, shall execute his will according to the following rules :—

(a) The testator shall sign or shall affix his mark to the will, or it shall be signed by some other person in his presence and by his direction

(b) The signature or mark of the testator, or the signature of the person signing for him, shall be so placed that it shall appear that it was intended thereby to give effect to the writing as a will.

(c) The will shall be attested by two or more witnesses, each of whom has seen the testator sign or affix his mark to the will or has seen some other person sign the will, in the presence and by the direction of the testator, or has received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person ; and each of the witnesses shall sign the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary.

Section 51, Act X of 1865.

Incorporation of papers by reference.

63. If a testator, in a will or codicil duly attested, refers to any other document then actually written as expressing any part of his intentions, such document shall be deemed to form a part of the will or codicil in which it is referred to.

CHAPTER IV.

OF PRIVILEGED WILLS.

Section … Act X … 1865.

Privileged will.

64. Any soldier being employed in an expedition or engaged in actual warfare, or any mariner being at sea, may, if he has completed the age of eighteen years, dispose of his property by a will made in the manner provided in section 66. Such wills are called privileged wills.

Illustrations.

(a) A, a medical officer attached to a regiment, is actually employed in an expedition. He is a soldier actually employed in an expedition and can make a privileged will.

(b) A is at sea in a merchant-ship, of which he is the purser. He is a mariner, and, being at sea, can make a privileged will.

(c) A, a soldier serving in the field against insurgents, is a soldier engaged in actual warfare and as such can make a privileged will.

(d) A, a mariner of a ship, in the course of a voyage, is temporarily on shore while she is lying in harbour. He is, for the purposes of this section, a mariner at sea, and can make a privileged will.

(e) A, an admiral who commands a naval force, but who lives on shore, and only occasionally goes on board his ship, is not considered as at sea, and cannot make a privileged will.

(f) A, a mariner serving on a military expedition, but not being at sea, is considered as a soldier and can make a privileged will.

Section … Act I of 1865.

Mode of making, and rules for executing, privileged wills.

65. (1) Privileged wills may be in writing, or may be made by word of mouth.

(2) The execution of privileged wills shall be governed by the following rules :—

(a) The will may be written wholly by the testator, with his own hand. In such case it need not be signed or attested.

(b) It may be written wholly or in part by another person, and signed by the testator. In such case it need not be attested.

(c) If the instrument purporting to be a will is written wholly or in part by another person and is not signed by the testator, it shall be deemed to be his will, if it is shown that it was written by the testators' directions or that he recognised it as his will.

(d) If it appears on the face of the instrument that the execution of it in the manner intended by the testator was not completed, the instrument shall not, by reason of that circumstance, be invalid, provided that his non-execution of it can be reasonably ascribed to some cause other than the abandonment of the testamentary intentions expressed in the instrument.

(e) If the soldier or mariner has written instructions for the preparation of his will, but has died before it could be prepared and executed, such instructions shall be considered to constitute his will.

(f) If the soldier or mariner has, in the presence of two witnesses, given verbal instructions for the preparation of his will, and they have been reduced into writing in his life-time, but he has died before the instrument could be prepared and executed, such instructions shall be considered to constitute his will, although they may not have been reduced into writing in his presence, nor read over to him.

(g) The soldier or mariner may make a will by word of mouth by declaring his intentions before two witnesses present at the same time.

(h) A will made by word of mouth shall be null at the expiration of one month after the testator, being still alive, has ceased to be entitled to make a privileged will.

CHAPTER V.

OF THE ATTESTATION, REVOCATION, ALTERATION AND REVIVAL OF WILLS.

...n 54, ...I of

Effect of gift to attesting witness.

66. A will shall not be deemed to be insufficiently attested by reason of any benefit thereby given either by way of bequest or by way of appointment to any person attesting it, or to his or her wife or husband; but the bequest or appointment shall be void so far as concerns the person so attesting, or the wife or husband of such person, or any person claiming under either of them.

Explanation.—A legatee under a will does not lose his legacy by attesting a codicil which confirms the will.

...n 55, ...I of

Witness not disqualified by interest or being executor.

67. No person, by reason of interest in, or of his being an executor of, a will, shall be disqualified as a witness to prove the execution of the will or to prove the validity or invalidity thereof.

...n 56, ...I of

Revocation of will by testator's marriage.

68. Every will shall be revoked by the marriage of the maker, except a will made in exercise of a power of appointment, when the property over which the power of appointment is exercised would not, in default of such appointment, pass to his or her executor or administrator, or to the person entitled in case of intestacy.

Explanation.—Where a man is invested with power to determine the disposition of property of which he is not the owner, he is said to have power to appoint such property.

...n 57, ...of

Revocation of unprivileged will or codicil.

69. No unprivileged will or codicil, nor any part thereof, shall be revoked otherwise than by marriage, or by another will or codicil, or by some writing declaring an intention to revoke the same and executed in the manner in which an unprivileged will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator or by some person in his presence and by his direction with the intention of revoking the same.

Illustrations.

(a) A has made an unprivileged will. Afterwards A makes another unprivileged will which purports to revoke the first. This is a revocation.

(b) A has made an unprivileged will. Afterwards, A being entitled to make a privileged will, makes a privileged will, which purports to revoke his unprivileged will. This is a revocation.

Effect of obliteration, interlineation or alteration in unprivileged will.

70. No obliteration, interlineation or other alteration made in any unprivileged will after the execution thereof shall have any effect, except so far as the words or meaning of the will have been thereby rendered illegible or undiscernible, unless such alteration has been executed in like manner as hereinbefore is required for the execution of the will: Section 58, Act X of 1865.

Provided that the will, as so altered, shall be deemed to be duly executed if the signature of the testator and the subscription of the witnesses is made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of or opposite to a memorandum, referring to such alteration, and written at the end or some other part of the will.

Revocation of privileged will or codicil.

71. A privileged will or codicil may be revoked by the testator by an unprivileged will or codicil, or by any act expressing an intention to revoke it and accompanied by such formalities as would be sufficient to give validity to a privileged will, or by the burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same. Section 59, Act X of 1865.

Explanation.—In order to the revocation of a privileged will or codicil by an act accompanied by such formalities as would be sufficient to give validity to a privileged will, it is not necessary that the testator should at the time of doing that act be in a situation which entitles him to make a privileged will.

Revival of unprivileged will.

72. (1) No unprivileged will or codicil, nor any part thereof, which has been revoked in any manner, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner hereinbefore required, and showing an intention to revive the same. Section 60, Act X of 1865.

(2) When any will or codicil, which has been partly revoked and afterwards wholly revoked, is revived, such revival shall not extend to so much thereof as has been revoked before the revocation of the whole thereof, unless an intention to the contrary is shown by the will or codicil.

CHAPTER VI.

OF THE CONSTRUCTION OF WILLS.

Wording will.

73. It is not necessary that any technical words or terms of art be used in a will, but only that the wording be such that the intentions of the testator can be known therefrom. Section 61, Act X of 1865.

Section 62, Act X of 1865.

Inquiries to determine questions as to object or subject of will.

74. For the purpose of determining questions as to what person or what property is denoted by any words used in a will, a Court shall inquire into every material fact relating to the persons who claim to be interested under such will, the property which is claimed as the subject of disposition, the circumstances of the testator and of his family, and into every fact a knowledge of which may conduce to the right application of the words which the testator has used.

Illustrations.

(*a*) A, by his will, bequeaths 1,000 rupees to his eldest son or to his youngest grandchild, or to his cousin, Mary. A Court may make inquiry in order to ascertain to what person the description in the will applies.

(*b*) A, by his will, leaves to B "my estate called Black Acre". It may be necessary to take evidence in order to ascertain what is the subject-matter of the bequest; that is to say, what estate of the testator's is called Black Acre.

(*c*) A, by his will, leaves to B "the estate which I purchased of C". It may be necessary to take evidence in order to ascertain what estate the testator purchased of C.

Section 63, Act X of 1865.

Misnomer or misdescription of object.

75. (*1*) Where the words used in a will to designate or describe a legatee or a class of legatees sufficiently show what is meant, an error in the name or description shall not prevent the legacy from taking effect.

(2) A mistake in the name of a legatee may be corrected by a description of him, and a mistake in the description of a legatee may be corrected by the name.

Illustrations.

(*a*) A bequeaths a legacy to "Thomas, the second son of my brother, John". The testator has an only brother, named John, who has no son named Thomas, but has a second son whose name is William. William shall have the legacy.

(*b*) A bequeaths a legacy "to Thomas, the second son of my brother John". The testator has an only brother, named John, whose first son is named Thomas, and whose second son is named William. Thomas shall have the legacy.

(*c*) The testator bequeaths his property "to A and B, the legitimate children of C". C has no legitimate child, but has two illegitimate children, A and B. The bequest to A and B takes effect, although they are illegitimate.

(*d*) The testator gives his residuary estate to be divided among "my seven children" and, proceeding to enumerate them, mentions six names only. This omission shall not prevent the seventh child from taking a share with the others.

(*e*) The testator, having six grandchildren, makes a bequest to "my six grandchildren" and, proceeding to mention them by their Christian names, mentions one twice over omitting another altogether. The one whose name is not mentioned shall take a share with the others.

(*f*) The testator bequeaths "1,000 rupees to each of the three children of A". At the date of the will A has four children. Each of these four children shall, if he survives the testator, receive a legacy of 1,000 rupees.

Section 64, Act X of 1865.

When words may be supplied.

76. Where any word material to the full expression of the meaning has been omitted, it may be supplied by the context.

Illustration.

The testator gives a legacy of "five hundred" to his daughter A, and a legacy of "five hundred rupees" to his daughter B. A shall take a legacy of five hundred rupees.

Section 65, Act X of 1865.

Rejection of erroneous particulars in description of subject.

77. If the thing which the testator intended to bequeath can be sufficiently identified from the description of it given in the will, but some parts of the description do not apply, such parts of the description shall be rejected as erroneous, and the bequest shall take effect.

Illustrations.

(*a*) A bequeaths to B "my marsh-lands lying in L and in the occupation of X". The testator had marsh-lands lying in L but had no marsh-lands in the occupation of X. The words "in the occupation of X" shall be rejected as erroneous and the marsh-lands of the testator lying in L shall pass by the bequest.

(*b*) The testator bequeaths to A "my zamindari of Rampur". He had an estate at Rampur but it was a taluq and not a zamindari. The taluq passes by this bequest.

Sect Act 186

When part of description may not be rejected as erroneous.

78. If a will mentions several circumstances as descriptive of the thing which the testator intends to bequeath, and there is any property of his in respect of which all those circumstances exist, the bequest shall be considered as limited to such property, and it shall not be lawful to reject any part of the description as erroneous, because the testator had other property to which such part of the description does not apply.

Explanation.—In judging whether a case falls within the meaning of this section, any words which would be liable to rejection under section 77 shall be deemed to have been struck out of the will.

Illustrations.

(*a*) A bequeaths to B "my marsh-lands lying in L and in the occupation of X". The testator had marsh-lands lying in L, some of which were in the occupation of X, and some not in the occupation of X. The bequest shall be considered as limited to such of the testator's marsh-lands lying in L as were in the occupation of X.

(*b*) A bequeaths to B "my marsh-lands lying in L and in the occupation of X, comprising 1,000 bighas of lands". The testator had marsh-lands lying in L some of which were in the occupation of X, and some not in the occupation of X. The measurement is wholly inapplicable to the marsh-lands of either class, or to the whole taken together. The measurement shall be considered as struck out of the will, and such of the testator's marsh-lands lying in L as were in the occupation of X shall alone pass by the bequest.

Sect Act 186

Extrinsic evidence admissible in cases of patent ambiguity.

79. Where the words of a will are unambiguous, but it is found by extrinsic evidence that they admit of applications, one only of which can have been intended by the testator, extrinsic evidence may be taken to show which of these applications was intended.

Illustrations.

(*a*) A man, having two cousins of the name of Mary, bequeaths a sum of money to "my cousin, Mary." It appears that there are two persons, each answering the description in the will. That description, therefore, admits of two applications, only one of which can have been intended by the testator. Evidence is admissible to show which of the two applications was intended.

(*b*) A, by his will, leaves to B "my estate called Sultanpur Khurd". It turns out that he had two estates called Sultanpur Khurd. Evidence is admissible to show which estate was intended.

Sec Act 186

Extrinsic evidence inadmissible in case of patent ambiguity or deficiency.

80. Where there is an ambiguity or deficiency on the face of a will, no extrinsic evidence as to the intentions of the testator shall be admitted.

Illustrations.

(*a*) A man has an aunt, Caroline, and a cousin, Mary, and has no aunt of the name of Mary. By his will he bequeaths 1,000 rupees to "my aunt, Caroline" and 1,000 rupees to "my cousin, Mary," and afterwards bequeaths 2,000 rupees

to "my before-mentioned aunt, Mary." There is no person to whom the description given in the will can apply, and evidence is not admissible to show who was meant by "my before-mentioned aunt Mary". The bequest is therefore void for uncertainty under section 88.

(*b*) A bequeaths 1,000 rupees to , leaving a blank for the name of the legatee. Evidence is not admissible to show what name the testator intended to insert.

(*c*) A bequeaths to B rupees, or "my estate of ". Evidence is not admissible to show what sum or what estate the testator intended to insert.

Section 69, Act X of 1865.

Meaning of clause to be collected from entire will.

81. The meaning of any clause in a will is to be collected from the entire instrument, and all its parts are to be construed with reference to each other.

Illustrations.

(*a*) The testator gives to B a specific fund or property at the death of A, and by a subsequent clause gives the whole of his property to A. The effect of the several clauses taken together is to vest the specific fund or property in A for life, and after his decease in B; it appearing from the bequest to B, that the testator meant to use in a restricted sense the words in which he describes what he gives to A.

(*b*) Where a testator having an estate, one part of which is called Black Acre, bequeaths the whole of his estate to A, and in another part of his will bequeaths Black Acre to B; the latter bequest is to be read as an exception out of the first as if he had said "I give Black Acre to B, and all the rest of my estate to A".

Section 70, Act X of 1865.

When words may be understood in restricted sense, and when in sense wider than usual.

82. General words may be understood in a restricted sense where it may be collected from the will that the testator meant to use them in a restricted sense; and words may be understood in a wider sense than that which they usually bear, where it may be collected from the other words of the will that the testator meant to use them in such wider sense.

Illustrations.

(*a*) A testator gives to A "my farm in the occupation of B," and to C "all my marsh-lands in L". Part of the farm in the occupation of B consists of marsh-lands in L and the testator also has other marsh lands in L. The general words, "all my marsh-lands in L," are restricted by the gift to A. A takes the whole of the farm in the occupation of B, including that portion of the farm which consists of marsh-lands in L.

(*b*) The testator (a sailor on ship-board) bequeathed to his mother his gold ring, buttons and chest of clothes, and to his friend, A (a shipmate), his red box, clasp-knife and all things not before bequeathed. The testator's share in a house does not pass to A under this bequest.

(*c*) A, by his will, bequeathed to B all his household furniture, plate, linen, china, books, pictures and all other goods of whatever kind; and afterwards bequeathed to B a specified part of his property. Under the first bequest, B is entitled only to such articles of the testator's as are of the same nature with the articles therein enumerated.

Section 71, Act X of 1865.

Which of two possible constructions preferred.

83. Where a clause is susceptible of two meanings according to one of which it has some effect, and according to the other of which it can have none, the former shall be preferred.

Section 72, Act X of 1865.

No part rejected, if it can be reasonably construed.

84. No part of a will shall be rejected as destitute of meaning if it is possible to put a reasonable construction upon it.

Section 73, Act X of 1865.

Interpretation of words repeated in different parts of will.

85. If the same words occur in different parts of the same will, they shall be taken to have been used everywhere in the same sense, unless a contrary intention appears.

Section 74, Act X of 1865.

Testator's intention to be effectuated as far as possible.

86. The intention of the testator shall not be set aside because it cannot take effect to the full extent, but effect is to be given to it as far as possible.

Illustration.

The testator by a will made on his death-bed bequeathed all his property to C. D. for life and after his decease to a certain hospital. The intention of the testator cannot take effect to its full extent, because the gift to the hospital is void under section 117, but it shall take effect so far as regards the gift to C. D.

Section 75, Act X of 1865.

The last of two inconsistent clauses prevails.

87. Where two clauses or gifts in a will are irreconcileable, so that they cannot possibly stand together, the last shall prevail.

Illustrations.

(*a*) The testator by the first clause of his will leaves his estate of Ramnagar "to A," and by the last clause of his will leaves it "to B and not to A." B shall have it.

(*b*) If a man at the commencement of his will gives his house to A, and at the close of it directs that his house shall be sold and the proceeds invested for the benefit of B, the latter disposition shall prevail.

Section 76, Act X of 1865.

Will or bequest void for uncertainty.

88. A will or bequest not expressive of any definite intention is void for uncertainty.

Illustration.

If a testator says "I bequeath goods to A," or "I bequeath to A"; or "I leave to A all the goods mentioned in the schedule," and no schedule is found; or "I bequeath 'money,' 'wheat,' 'oil'" or the like, without saying how much; this is void.

Section 77, Act X of 1865.

Words describing subject refer to property answering description at testator's death.

89. The description contained in a will of property, the subject of gift, shall, unless a contrary intention appears by the will, be deemed to refer to and comprise the property answering that description at the death of the testator.

Section 78, Act X of 1865.

Power of appointment executed by general bequest.

90. Unless a contrary intention appears by the will, a bequest of the estate of the testator shall be construed to include any property which he may have power to appoint by will to any object he may think proper, and shall operate as an execution of such power; and a bequest of property described in a general manner shall be construed to include any property to which such description may extend, which he may have power to appoint by will to any object he may think proper, and shall operate as an execution of such power.

Section 79, Act X of 1865.

Implied gift to objects of power in default of appointment.

91. Where property is bequeathed to or for the benefit of certain objects as a specified person may appoint or for the benefit of certain objects in such proportions as a specified person may appoint, and the will does not provide for the event of no appointment being made; if the power given by the will is not exercised, the property belongs to all the objects of the power in equal shares.

Illustration.

A, by his will, bequeaths a fund to his wife, for her life, and directs that at her death it shall be divided among his children in such proportions as she shall appoint. The widow dies without having made any appointment. The fund shall be divided equally among the children.

Section 80, Act X of 1865.

Bequest to "heirs," etc., of particular person without qualifying terms.

92. Where a bequest is made to the "heirs" or "right heirs" or "relations" or "nearest relations" or "family" or "kindred" or "nearest of kin" or "next-of-kin" of a particular person without any qualifying terms, and the class so designated forms the direct and independent object of the bequest, the property bequeathed shall be distributed as if it had belonged to such person, and he had died intestate in respect of it, leaving assets for the payment of his debts independently of such property.

Illustrations.

(a) A leaves his property "to my own nearest relations." The property goes to those who would be entitled to it if A had died intestate, leaving assets for the payment of his debt independently of such property.

(b) A bequeaths 10,000 rupees "to B for his life, and, after the death of B, to my own right heir." The legacy after B's death belongs to those who would be entitled to it if it had formed part of A's unbequeathed property.

(c) A leaves his property to B; but if B dies before him to B's next-of-kin; B dies before A; the property devolves as if it had belonged to B, and he had died intestate, leaving assets for the payment of his debts independently of such property.

(d) A leaves 10,000 rupees "to B for his life, and after his decease to the heirs of C." The legacy goes as if it had belonged to C and he had died intestate, leaving assets for the payment of his debts independently of the legacy.

Section 81, Act X of 1865.

Bequest to "representatives," etc., of particular person.

93. Where a bequest is made to the "representatives" or "legal representatives" or "personal representatives" or "executors or administrators" of a particular person, and the class so designated forms the direct and independent object of the bequest, the property bequeathed shall be distributed as if it had belonged to such person and he had died intestate in respect of it.

Illustration.

A bequest is made to the "legal representatives" of A. A has died intestate and insolvent. B is his administrator. B is entitled to receive the legacy, and shall apply it in the first place to the discharge of such part of A's debts as may remain unpaid; if there be any surplus, B, shall pay it to those persons who at A's death would have been entitled to receive any property of A's which might remain after payment of his debts, or to the respresentatives of such persons.

Section 82, Act X of 1865.

Bequest without words of limitation.

94. Where property is bequeathed to any person, he is entitled to the whole interest of the testator therein, unless it appears from the will that only a restricted interest was intended for him.

Section 83, Act X of 1865.

Bequest in alternative.

95. Where property is bequeathed to a person with a bequest in the alternative to another person or to a class of persons, then, if a contrary intention does not appear by the will, the legatee first named shall be entitled to the legacy if he is alive at the time when it takes effect; but if he is then dead, the person or class of persons named in the second branch of the alternative shall take the legacy.

Illustrations.

(a) A bequest is made to A or to B. A survives the testator, B takes nothing.

(b) A bequest is made to A or to B. A dies after the date of the will and before the testator. The legacy to goes B.

(c) A bequest is made to A or to B. A is dead at the date of the will. The legacy goes to B.

(d) Property is bequeathed to A or his heirs. A survives the testator. A takes the property absolutely.

(e) Property is bequeathed to A or his nearest of kin. A dies in the life-time of the testator. Upon the death of the testator, the bequest to A's nearest of kin takes effect.

(f) Property is bequeathed to A for life, and after his death to B or his heirs. A and B survive the testator. B dies in A's life-time. Upon A's death the bequest to the heirs of B takes effect.

(g) Property is bequeathed to A for life, and after his death to B or his heirs. B dies in the testator's life-time. A survives the testator. Upon A's death the bequest to the heirs of B takes effect.

Effect of words describing a class added to bequest to person.

96. Where property is bequeathed to a person, and words are added which describe a class of persons but do not denote them as direct objects of a distinct and independent gift, such person is entitled to the whole interest of the testator therein, unless a contrary intention appears by the will.

Illustrations.

(a) A bequest is made—

to A and his children,

to A and his children by his present wife,

to A and his heirs,

to A and the heirs of his body,

to A and the heirs male of his body,

to A and the heirs female of his body,

to A and his issue,

to A and his family,

to A and his descendants,

to A and his representatives,

to A and his personal representatives,

to A, his executors and administrators.

In each of these cases, A takes the whole interest which the testator had in the property.

(b) A bequest is made to A and his brothers. A and his brothers are jointly entitled to the legacy.

(c) A bequest is made to A for life and after his death to his issue. At the death of A the property belongs in equal shares to all persons who then answer the description of issue of A.

Bequest to class of persons under general description only.

97. Where a bequest is made to a class of persons under a general description only, no one to whom the words of the description are not in their ordinary sense applicable shall take the legacy.

Sec. Act 1865.

98. In a will—

Construction of terms.

Sec. Act 1865.

(a) the word "children" applies only to lineal descendants in the first degree;

(b) the word "grand children" applies only to lineal descendants in the second degree of the person whose "children" or "grand children" are spoken of;

(c) the words "nephews" and "nieces" apply only to children of brothers or sisters;

(d) the words "cousins," or "first cousins," or "cousins-german," apply only to children of brothers or of sisters of the father or mother of the person whose "cousins," or "first cousins," or "cousins german," are spoken of;

(*e*) the words "first cousins once removed" apply only to children of cousins-german or to cousins-german of a parent of the person whose "first cousins once removed" are spoken of ;

(*f*) the words "second cousins" apply only to grandchildren of brothers or of sisters of the grandfather or grand mother of the person whose "second cousins" are spoken of ;

(*g*) the words "issue" and "descendants" apply to all lineal descendants whatever of the person whose "issue" or "descendants" are spoken of ;

(*h*) words expressive of collateral relationship apply alike to relatives of full and of half-blood ; and

(*i*) all words expressive of relationship apply to a child in the womb who is afterwards born alive.

Section 87, Act X of 1865.

Words expressing relationship denote only legitimate relatives or failing such relatives reputed legitimate.

99. In the absence of any intimation to the contrary in a will, the word "child," the word "son," the word "daughter," or any word which expresses relationship, is to be understood as denoting only a legitimate relative, or, where there is no such legitimate relative a person who has acquired, at the date of the will, the reputation of being such relative.

Illustrations.

(*a*) A, having three children, B, C and D, of whom B and C are legitimate and D is illegitmate, leaves his property to be equally divided among "my children". The property belongs to B and C in equal shares, to the exclusion of D.

(*b*) A, having a niece of illegitimate birth, who has acquired the reputation of being his niece, and having no legitimate niece, bequeaths a sum of money to his niece. The illegitimate niece is entitled to the legacy.

(*c*) A, having in his will enumerated his children, and named as one of them B, who is illegitimate leave a legacy to "my said children". B will take a share in the legacy along with the legitimate children.

(*d*) A leaves a legacy to "the children of B". B is dead and has left none but illegitimate children. All those who had at the date of the will acquired the reputation of being the children of B are objects of the gift.

(*e*) A bequeaths a legacy to the "children of B". B never had any legitimate child. C and D had, at the date of the will, acquired the reputation of being children of B. After the date of the will and before the death of the testator, E and F were born, and acquired the reputation of being children of B. Only C and D are objects of the bequest.

(*f*) A makes a bequest in favour of his child by a certain woman, not his wife. B had acquired at the date of the will the reputation of being the child of A by the woman designated. B takes the legacy.

(*g*) A makes a bequest in favour of his child to be born of a woman who never becomes his wife. The bequest is void.

(*h*) A makes a bequest in favour of the child of which a certain woman, not married to him, is pregnant. The bequest is valid.

Section 88, Act X of 1865.

Rules of construction where will purports to make two bequests to same person.

100. Where a will purports to make two bequests to the same person, and a question arises whether the testator intended to make the second bequest instead of or in addition to the first ; if there is nothing in the will to show what he intended, the following rules shall have effect in determining the construction to be put upon the will :—

(*a*) If the same specific thing is bequeathed twice to the same legatee in the same will or in the will and again in the codicil, he is entitled to receive that specific thing only.

(*b*) Where one and the same will or one and the same codicil purports to make, in two places, a bequest to the same person of the same quantity or amount of anything, he shall be entitled to one such legacy only.

(*c*) Where two legacies of unequal amount are given to the same person in the same will, or in the same codicil, the legatee is entitled to both.

(*d*) Where two legacies, whether equal or unequal in amount, are given to the same legatee, one by a will and the other by a codicil, or each by different codicil, the legatee is entitled to both legacies.

Explanation.—In clauses (*a*) to (*d*) of this section, the word "will" does not include a codicil.

Illustrations.

(*a*) A, having ten shares, and no more, in the Imperial Bank of India made his will, which contains near its commencement the words "I bequeath my ten shares in the Imperial Bank of India to B". After other bequests, the will concludes with the words "and I bequeath my ten shares in the Imperial Bank of India to B". B is entitled simply to receive A's ten shares in the Imperial Bank of India.

(*b*) A, having one diamond ring, which was given him by B, bequeaths to C the diamond ring which was given by B. A afterwards made a codicil to his will, and thereby, after giving other legacies, he bequeathed to C the diamond ring which was given him by B. C can claim nothing except the diamond ring which was given to A by B.

(*c*) A, by his will, bequeaths to B the sum of 5,000 rupees and afterwards in the same will, repeats the bequest in the same words. B is entitled to one legacy of 5,000 rupees only.

(*d*) A, by his will, bequeaths to B the sum of 5,000 rupees and afterwards in the same will, bequeaths to B the sum of 6,000 rupees. B is entitled to receive 11,000 rupees

(*e*) A, by his will bequeaths to B 5,000 rupees and by a codicil to the will he bequeaths to him 5,000 rupees. B is entitled to receive 10,000 rupees.

(*f*) A, by one codicil to his will, bequeaths to B 5,000 rupees and by another codicil bequeaths to him 6,000 rupees. B is entitled to receive 11,000 rupees.

(*g*) A, by his will, bequeaths "500 rupees to B because she was my nurse," and in another part of the will bequeaths 500 rupees to B "because she went to England with my children." B is entitled to receive 1,000 rupees.

(*h*) A, by his will, bequeaths to B the sum of 5,000 rupees and also in another part of the will, an annuity of 400 rupees. B is entitled to both legacies.

(*i*) A, by his will, bequeaths to B the sum of 5,000 rupees and also bequeaths to him the sum of 5,000 rupees if he shall attain the age of 18. B is entitled absolutely to one sum of 5,000 rupees, and takes a contingent interest in another sum of 5,000 rupees.

Section 89, Act X of 1865.

Constitution of residuary legatee.

101. A residuary legatee may be constituted by any words that show an intention on the part of the testator that the person designated shall take the surplus or residue of his property.

Illustrations.

(*a*) A makes her will, consisting of several testamentary papers, in one of which are contained the following words:— "I think there will be something left, after all funeral expenses etc., to give to B, now at school, towards equipping him to any profession he may hereafter be appointed to." B is constituted residuary legatee.

(*b*) A makes his will, with the following passage at the end of it:—"I believe there will be found sufficient in my banker's hands to defray and discharge my debts, which I hereby desire B to do, and keep the residue for her own use and pleasure." B is constituted the residuary legatee.

(*c*) A bequeaths all his property to B, except certain stocks and funds, which he bequeaths to C. B is the residuary legatee.

Section 90, Act X of 1865.

Property to which residuary legatee entitled.

102. Under a residuary bequest, the legatee is entitled to all property belonging to the testator at the time of his death, of which he has not made any other testamentary disposition which is capable of taking effect.

Illustrations.

A by his will bequeaths certain legacies, of which one is void under section 117, and another lapses by the death of the legatee. He bequeaths the residue of his property to B. After the date of his will, A purchases a zamindari, which belongs to him at the time of his death. B is entitled to the two legacies and the zamindari as part of the residue.

Section 91, Act X of 1865.

Time of vesting legacy in general terms.

103. If a legacy is given in general terms, without specifying the time when it is to be paid, the legatee has a vested interest in it from the day of the death of the testator, and, if he dies without having received it, it shall pass to his representatives.

Section 92, Act X of 1865.

In what case legacy lapses.

104. (*1*) If the legatee does not survive the testator, the legacy cannot take effect, but shall lapse and form part of the residue of the testator's property, unless it appears by the will that the testator intended that it should go to some other person.

(2) In order to entitle the representatives of the legatee to receive the legacy, it must be proved that he survived the testator.

Illustrations.

(*a*) The testator bequeaths to B "500 rupees which B owes me". B dies before the testator; the legacy lapses.

(*b*) A bequest is made to A and his children. A dies before the testator, or happens to be dead when the will is made. The legacy to A and his children lapses.

(*c*) A legacy is given to A, and, in case of his dying before the testator, to B. A dies before the testator. The legacy goes to B.

(*d*) A sum of money is bequeathed to A for life, and after his death to B. A dies in the life-time of the testator; B survives the testator. The bequest to B takes effect.

(*e*) A sum of money is bequeathed to A on his completing his eighteenth year, and in case he should die before he completes his eighteenth year, to B. A completes his eighteenth year, and dies in the life-time of the testator. The legacy to A lapses, and the bequest to B does not take effect.

(*f*) The testator and the legatee perished in the same shipwreck. There is no evidence to show which died first. The legacy lapses.

Section 93, Act X of 1865.

Legacy does not lapse if one of two joint legatees die before testator.

105. If a legacy is given to two persons jointly, and one of them dies before the testator, the other legatee takes the whole.

Illustrations.

The legacy is simply to A and B. A dies before the testator. B takes the legacy.

Section 94, Act X of 1865.

Effect of words showing testator's intention to give distinct shares.

106. If a legacy is given to legatees in words which show that the testator intended to give them distinct shares of it, then, if any legatee dies before the testator, so much of the legacy as was intended for him shall fall into the residue of the testator's property.

Illustrations.

A sum of money is bequeathed to A, B and C to be equally divided among them. A dies before the testator. B and C shall only take so much as they would have had if A had survived the testator.

Section 95, Act X of 1865.

When lapsed share goes as undisposed of.

107. Where a share which lapses is a part of the general residue bequeathed by the will, that share shall go as undisposed of.

Illustration.

The testator bequeaths the residue of his estate to A, B and C, to be equally divided between them. A dies before the testator. His one-third of the residue goes as undisposed of.

Section 96, Act X of 1865.

When bequest to testator's child or lineal descendant does not lapse on his death in testator's life-time.

108. Where a bequest has been made to any child or other lineal descendant of the testator, and the legatee dies in the life-time of the testator, but any lineal descendant of his survives the testator, the bequest shall not lapse, but shall take effect as if the death of the legatee had happened immediately after the death of the testator, unless a contrary intention appears by the will.

Illustration.

A makes his will, by which he bequeaths a sum of money to his son, B, for his own absolute use and benefit. B dies before A, leaving a son, C, who survives A, and having made his will whereby he bequeaths all his property to his widow, D. The money goes to D.

Section 97, Act X of 1865.

Bequest to A for benefit of B does not lapse by A's death.

109. Where a bequest is made to one person for the benefit of another, the legacy does not lapse by the death, in the testator's life-time, of the person to whom the bequest is made.

Section 98, Act X of 1865.

Survivorship in case of bequest to described class.

110. Where a bequest is made simply to a described class of persons, the thing bequeathed shall go only to such as are alive at the testator's death.

Exception.—If property is bequeathed to a class of persons described as standing in a particular degree of kindred to a specified individual, but their possession of it is deferred until a time later than the death of the testator by reason of a prior bequest or otherwise, the property shall at that time go to such of them as are then alive, and to the representatives of any of them who have died since the death of the testator.

Illustrations.

(*a*) A bequeaths 1,000 rupees to "the children of B" without saying when it is to be distributed among them. B had died previous to the date of the will, leaving three children, C, D and E. E died after the date of the will, but before the death of A. C and D survive A. The legacy shall belong to C and D, to the exclusion of the representatives of E.

(*b*) A bequeaths a legacy to the children of B. At the time of the testator's death, B has no children. The bequest is void.

(*c*) A lease for years of a house was bequeathed to A for his life, and after his decease to the children of B. At the death of the testator, B had two children living, C and D, and he never had any other child. Afterwards, during the life-time of A, C died, leaving E, his executor. D has survived A. D and E are jointly entitled to so much of the lease-hold term as remains unexpired.

(*d*) A sum of money was bequeathed to A for her life, and after her decease, to the children of B. At the death of the testator, B had two children living, C and D, and, after that event, two children, E and F, were born to B. C and E died in the life-time of A, C having made a will, E having made no will. A has died, leaving D and F surviving her. The legacy is to be divided into four equal parts, one of which is to be paid to the executor of C, one to D, one to the administrator of E and one to F.

(*e*) A bequeaths one-third of his lands to B for his life, and after his decease to the sisters of B. At the death of the testator, B had two sisters living, C and D, and after that event another sister E was born. C died during the life of B; D and E have survived B. One-third of A's lands belong to D, E and the representatives of C, in equal shares.

(*f*) A bequeaths 1,000 rupees to B for life and after his death equally among the children of C. Up to the death of B, C had not had any child. The bequest after the death of B is void.

(*g*) A bequeaths 1,000 rupees to "all the children born or to be born" of B to be divided among them at the death of C. At the death of the testator, B has two children living, D and E. After the death of the testator, but in the life-time of C, two other children, F and G, are born to B. After the death of C, another child is born to B. The legacy belongs to D, E, F and G, to the exclusion of the after-born child of B.

(*h*) A bequeaths a fund to the children of B, to be divided among them when the eldest shall attain majority. At the testator's death, B had one child living, named C. He afterwards had two other children, named D and E. E died, but C and D were living when C attained majority. The fund belongs to C, D and the representatives of E, to the exclusion of any child who may be born to B after C's attaining majority.

CHAPTER VII.

OF VOID BEQUESTS.

Section 99, Act X of 1865.

Bequest to person by particular description, who is not in existence at testator's death.

111. Where a bequest is made to a person by a particular description, and there is no person in existence at the testator's death who answers the description, the bequest is void.

Exception.—If property is bequeathed to a person described as standing in a particular degree of kindred to a specified individual, but his possession of it is deferred until a time later than the death of the testator, by reason of a prior bequest or otherwise; and if a person answering the description is alive at the death of the testator, or comes into existence between that event and such later time, the property shall, at such later time, go to that person, or, if he is dead, to his representatives.

Illustrations.

(*a*) A bequeaths 1,000 rupees to the eldest son of B. At the death of the testator, B has no son. The bequest is void.

(*b*) A bequeaths 1,000 rupees to B for life, and after his death to the eldest son of C. At the death of the testator, C had no son. Afterwards, during the life of B, a son is born to C. Upon B's death the legacy goes to C's son.

(*c*) A bequeaths 1,000 rupees to B for life, and after his death to the eldest son of C. At the death of the testator, C had no son; afterwards, during the life of B, a son, named D, is born to C. D dies, then B dies. The legacy goes to the representative of D.

(*d*) A bequeaths his estate of Green Acre to B for life, and at his decease to the eldest son of C. Up to the death of B, C has had no son. The bequest to C's eldest son is void.

(*e*) A bequeaths 1,000 rupees to the eldest son of C, to be paid to him after the death of B. At the death of the testator, C has no son, but a son is afterwards born to him during the life of B and is alive at B's death. C's son is entitled to the 1,000 rupees.

Section 100, Act X of 1865.

Bequest to person not in existence at testator's death, subject to prior bequest.

112. Where a bequest is made to a person not in existence at the time of the testator's death, subject to a prior bequest contained in the will, the later bequest shall be void, unless it comprises the whole of the remaining interest of the testator in the thing bequeathed.

Illustrations.

(*a*) Property is bequeathed to A for his life, and after his death to his eldest son for life and after the death of the latter to his eldest son. At the time of the testator's death, A has no son. Here the bequest to A's eldest son is a bequest to a person not in existence at the testator's death. It is not a bequest of the whole interest that remains to the testator. The bequest to A's eldest son for his life is void.

(*b*) A fund is bequeathed to A for his life, and after his death to his daughters. A survives the testator. A has daughters some of whom were not in existence at the testator's death. The bequest to A's daughters comprises the whole interest that remains to the testator in the thing bequeathed. The bequest to A's daughters is valid.

(*c*) A fund is bequeathed to A for his life, and after his death to his daughters, with a direction that, if any of them marries under the age of eighteen, her portion shall be settled so that it may belong to herself for life and may be divisible among her children after her death. A has no daughters living at the time of the testator's death, but has daughters born afterwards who survive him. Here the direction for a settlement has the effect in the case of each daughter who marries under eighteen of substituting for the absolute bequest to her a bequest to her merely for her life; that is to say, a bequest to a person not in existence at the time of the testator's death of something which is less than the whole interest that remains to the testator in the thing bequeathed. The direction to settle the fund is void.

(*d*) A bequeaths a sum of money to B for life, and directs that upon the death of B the fund shall be settled upon his daughters, so that the portion of each daughter may belong to herself for life, and may be divided among her children after her death. B has no daughter living at the time of the testator's death. In this case the only bequest to the daughters of B is contained in the direction to settle the fund, and this direction amounts to a bequest to persons not yet born, of a life-interest in the fund, that is to say, of something which is less than the whole interest that remains to the testator in the thing bequeathed. The direction to settle the fund upon the daughters of B is void.

Section 100, Act X of 1865.

Rule against perpetuity.

113. No bequest is valid whereby the vesting of the thing bequeathed may be delayed beyond the life-time of one or more persons living at the testator's death and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the thing bequeathed is to belong.

Illustrations.

(*a*) A fund is bequeathed to A for his life and after his death to B for his life; and after B's death to such of the sons of B as shall first attain the age of 25. A and B

survive the testator. Here the son of B who shall first attain the age of 25 may be a son born after the death of the testator; such son may not attain 25 until more than 18 years have elapsed from the death of the longer liver of A and B; and the vesting of the fund may thus be delayed beyond the life-time of A and B and the minority of the sons of B. The bequest after B's death is void.

(b) A fund is bequeathed to A for his life, and after his death to B for his life, and after B's death to such of B's sons as shall first attain the age of 25. B dies in the life-time of the testator, leaving one or more sons. In this case the sons of B are persons living at the time of the testator's decease, and the time when either of them will attain 25 necessarily falls within his own life-time. The bequest is valid.

(c) A fund is bequeathed to A for his life, and after his death to B for his life, with a direction that after B's death it shall be divided amongst such of B's children as shall attain the age of 18, but that, if no child of B shall attain that age, the fund shall go to C. Here the time for the division of the fund must arrive at the latest at the expiration of 18 years from the death of B, a person living at the testator's decease. All the bequests are valid.

(d) A fund is bequeathed to trustees for the benefit of the testator's daughters, with a direction that, if any of them marry under age, her share of the fund shall be settled so as to devolve after her death upon such of her children as shall attain the age of 18. Any daughter of the testator to whom the direction applies must be in existence at his decease, and any portion of the fund which may eventually be settled as directed must vest not later than 18 years from the death of the daughters whose share it was. All these provisions are valid.

Section 102, Act X of 1865.

Bequest to a class some of whom may come under rules in sections 112 and 113.

114. If a bequest is made to a class of persons, with regard to some of whom it is inoperative by reason of the provisions of section 112 or section 113, such bequest shall be wholly void.

Illustrations.

(a) A fund is bequeathed to A for life, and after his death to all his children who shall attain the age of 25. A survives the testator, and has some children living at the testator's death. Each child of A's living at the testator's death must attain the age of 25 (if at all) within the limits allowed for a bequest. But A may have children after the testator's decease, some of whom may not attain the age of 25 until more than 18 years have elapsed after the decease of A. The bequest to A's children, therefore, is inoperative as to any child born after the testator's death; and, as it is given to all his children as a class it is not good as to any division of that class, but is wholly void.

(b) A fund is bequeathed to A for his life, and after his death to B, C, D, and all other children of A who shall attain the age of 25. B, C, D are children of A living at the testator's decease. In all other respects the case is the same as that supposed in *Illustration (a)*. The mention of B, C, and D by name does not prevent the bequest from being regarded as a bequest to a class, and the bequest is wholly void.

Section 103, Act X of 1865.

Bequest to take effect on failure of bequest void under section 112, 113 or 114.

115. Where a bequest is void by reasons of any of the provisions of section 112, section 113, or section 114, any bequest contained in the same will, and intended to take effect after or upon failure of such prior bequest, is also void.

Illustrations.

(a) A fund is bequeathed to A for his life, and after his death to such of his sons as shall first attain the age of 25, for his life, and after the decease of such son to B. A and B survive the testator. The bequest to B is intended to take effect after the bequest to such of the sons of A as shall first attain the age of 25, which bequest is void under section 113. The bequest to B is void.

(b) A fund is bequeathed to A for his life, and after his death to such of his sons as shall first attain the age of 25, and, if no son of A shall attain that age, to B. A and B survive the testator. The bequest to B is intended to take effect upon failure of the bequest to such of A's sons as shall first attain the age of 25, which bequest is void under section 113. The bequest to B is void.

Section 104, Act X of 1865.

Effect of direction for accumulation.

116. A direction to accumulate the income arising from any property shall be void; and the property shall be disposed of as if no accumulation had been directed.

Exception.—Where the property is immoveable, or where accumulation is directed to be made from the death of the testator, the direction shall be valid in respect only of the income arising from the property within one year next following the testator's death; and at the end of the year such property and income shall be disposed of respectively, as if the period during which the accumulation has been directed to be made had elapsed.

Illustrations.

(a) The will directs that the sum of 10,000 rupees shall be invested in Government securities, and the income accumulated for 20 years, and that the principal, together with the accumulations, shall then be divided between A, B and C. A, B, and C are entitled to receive the sum of 10,000 rupees at the end of a year from the testator's death.

(b) The will directs that 10,000 rupees shall be invested, and the income accumulated until A shall marry, and shall then be paid to him. A is entitled to receive 10,000 rupees at the end of a year from the testator's death.

(c) The will directs that the rents of the farm of Sultanpur shall be accumulated for ten years, and that the accumulation shall be then paid to the eldest son of A. At the death of the testator, A has an eldest son living, named B. B shall receive, at the end of one year from the testator's death, the rents which have accrued during the year, together with any interest which may have been made by investing them.

(d) The will directs that the rents of the farm of Sultanpur shall be accumulated for ten years, and that the accumulation shall then be paid to the eldest son of A. At the death of the testator, A has no son. The bequest is void.

(e) A bequeaths a sum of money to B, to be paid to him when he shall attain the age of 18, and directs the interest to be accumulated till he shall arrive at that age. At A's death the legacy becomes vested in B; and so much of the interest as is not required for his maintenance and education is accumulated, not by reason of the direction contained in the will, but in consequence of B's minority.

Section 105, Act X of 1865.

Bequest to religious or charitable uses.

117. No man having a nephew or niece or any nearer relative shall have power to bequeath any property to religious or charitable uses, except by a will executed not less than twelve months before his death, and deposited within six months from its execution in some place provided by law for the safe custody of the wills of living persons.

Illustrations.

A having a nephew makes a bequest by a will not executed and deposited as required—

for the relief of poor people;

for the maintenance of sick soldiers;

for the erection or support of a hospital;

for the education and preferment of orphans;

for the support of scholars;

for the erection and support of a school;

for the building and repairs of a bridge;

for the making of roads;

for the erection or support of a church;

for the repairs of a church;

for the benefit of ministers of religion;

for the formation or support of a public garden.

All these bequests are void.

CHAPTER VIII.

OF THE VESTING OF LEGACIES.

Section 106, Act X of 1865.

Date of vesting of legacy when payment or possession postponed.

118. Where by the terms of a bequest the legatee is not entitled to immediate possession of the thing bequeathed, a right to receive it at the proper time shall, unless a contrary intention appears by the will, become vested in the legatee on the testator's death, and shall pass to the legatee's representatives if he dies before that time and without having received the legacy, and in such cases the legacy is from the testator's death said to be vested in interest.

Explanation.—An intention that a legacy to any person shall not become vested in interest in him is not to be inferred merely from a provision whereby the payment or possession of the thing bequeathed is postponed, or whereby a prior interest therein is bequeathed to some other person, or whereby the income arising from the fund bequeathed is directed to be accumulated until the time of payment arrives, or from a provision that, if a particular event shall happen, the legacy shall go over to another person.

Illustrations.

(a) A bequeaths to B 100 rupees, to be paid to him at the death of C. On A's death the legacy becomes vested in interest in B, and if he dies before C, his representatives are entitled to the legacy.

(b) A bequeaths to B 100 rupees, to be paid to him upon his attaining the age of 18. On A's death the legacy becomes vested in interest in B.

(c) A fund is bequeathed to A for life, and after his death to B. On the testator's death the legacy to B becomes vested in interest in B.

(d) A fund is bequeathed to A until B attains the age of 18 and then to B. The legacy to B is vested in interest from the testator's death.

(e) A bequeaths the whole of his property to B upon trust to pay certain debts out of the income, and then to make over the fund to C. At A's death the gift to C becomes vested in interest in him.

(f) A fund is bequeathed to A, B and C in equal shares to be paid to them on their attaining the age of 18, respectively, with a proviso that, if all of them die under the age of 18, the legacy shall devolve upon D. On the death of the testator, the shares vested in interest in A, B and C, subject to be divested in case A, B and C shall all die under 18, and, upon the death of any of them (except the last survivor) under the age of 18, his vested interest passes, so subject, to his representatives.

Section 107, Act X of 1865.

Date of vesting when legacy contingent upon specified uncertain event.

119. (*1*) A legacy bequeathed in case a specified uncertain event shall happen does not vest until that event happens.

(*2*) A legacy bequeathed in case a specified uncertain event shall not happen does not vest until the happening of that event becomes impossible.

(*3*) In either case, until the condition has been fulfilled, the interest of the legatee is called contingent.

Exception.—Where a fund is bequeathed to any person upon his attaining a particular age, and the will also gives to him absolutely the income to arise from the fund before he reaches that age, or directs the income, or so much of it as may be necessary, to be applied for his benefit, the bequest of the fund is not contingent.

Illustrations.

(a) A legacy is bequeathed to D in case A, B and C shall all die under the age of 18. D has a contingent interest in the legacy until A, B and C all die under 18, or one of them attains that age.

(b) A sum of money is bequeathed to A "in case he shall attain the age of 18," or "when he shall attain the age of 18." A's interest in the legacy is contingent until the condition is fulfilled by his attaining that age.

(c) An estate is bequeathed to A for life, and after his death to B if B shall then be living; but if B shall not be then living to C. A, B and C survive the testator. B and C each take a contingent interest in the estate until the event which is to vest it in one or in the other has happened.

(d) An estate is bequeathed as in the case last supposed. B dies in the life-time of A and C. Upon the death of B, C acquires a vested right to obtain possession of the estate upon A's death.

(e) A legacy is bequeathed to A when she shall attain the age of 18, or shall marry under that age with the consent of B, with a proviso that, if she neither attains 18 nor marries under that age with B's consent, the legacy shall go to C. A and C each take a contingent interest in the legacy. A attains the age of 18. A becomes absolutely entitled to the legacy although she may have married under 18 without the consent of B.

(f) An estate is bequeathed to A until he shall marry and after that event to B. B's interest in the bequest is contingent until the condition is fulfilled by A's marrying.

(g) An estate is bequeathed to A until he shall take advantage of any law for the relief of insolvent debtors, and after that event to B. B's interest in the bequest is contingent until A takes advantage of such a law.

(h) An estate is bequeathed to A if he shall pay 500 rupees to B. A's interest in the bequest is contingent until he has paid 500 rupees to B.

(i) A leaves his farm of Sultanpur Khurd to B, if B shall convey his own farm of Sultanpur Buzurg to C. B's interest in the bequest is contingent until he has conveyed the latter farm to C.

(j) A fund is bequeathed to A if B shall not marry C within five years after the testator's death. A's interest in the legacy is contingent until the condition is fulfilled by the expiration of the five years without B's having married C, or by the occurrence within that period of an event which makes the fulfilment of the condition impossible.

(k) A fund is bequeathed to A if B shall not make any provision for him by will. The legacy is contingent until B's death.

(l) A bequeaths to B 500 rupees a year upon his attaining the age of 18, and directs that the interest, or a competent part thereof, shall be applied for his benefit until he reaches that age. The legacy is vested.

(m) A bequeaths to B 500 rupees when he shall attain the age of 18, and directs that a certain sum out of another fund shall be applied for his maintenance until he arrives at that age. The legacy is contingent.

Section 108, Act X of 1865.

120. Where a bequest is made only to such members of a class as shall have attained a particular age, a person who has not attained that age cannot have a vested interest in the legacy.

Vesting of interest in bequest to such members of a class as shall have attained particular age.

Illustration.

A fund is bequeathed to such of the children of A as shall attain the age of 18, with a direction that, while any child of A shall be under the age of 18, the income of the share, to which it may be presumed he will be eventually entitled, shall be applied for his maintenance and education. No child of A who is under the age of 18 has a vested interest in the bequest.

CHAPTER IX.

OF ONEROUS BEQUESTS.

Section 109, Act X of 1865.

121. Where a bequest imposes an obligation on the legatee, he can take nothing by it unless he accepts it fully.

Onerous bequests.

Illustration.

A, having shares in (X) a prosperous joint stock company and also shares in (Y) a joint stock company in difficulties, in respect of which shares heavy calls are expected to be made bequeaths to B all his shares in joint stock companies; B refuses to accept the shares in (Y). He forfeits the shares on (X).

Section 110, Act X of 1865.

122. Where a will contains two separate and independent bequests to the same person, the legatee is at liberty to accept one of them and refuse the other, although the former may be beneficial and the latter onerous.

One or two separate and independent bequests to same person may be accepted, and other refused.

Illustration.

A having a lease for a term of years of a house at a ren which he and his representatives are bound to pay during the term, and which is higher than the house can be let for, bequeaths to B the lease and a sum of money. B refuses to accept the lease. He shall not by this refusal forfeit the money.

CHAPTER X.

OF CONTINGENT BEQUESTS.

Section 111, Act X of 1865.

123. Where a legacy is given if a specified uncertain event shall happen and no time is mentioned in the will for the occurrence of that event, the legacy cannot take effect, unless such event happens before the period when the fund bequeathed is payable or distributable.

Bequest contingent upon specified uncertain event, no time being mentioned for its occurrence.

Illustrations.

(a) A legacy is bequeathed to A, and, in case of his death, to B. If A survives the testator, the legacy to B does not take effect.

(b) A legacy is bequeathed to A, and, in case of his death without children, to B. If A survives the testator or dies in his life-time leaving a child, the legacy to B does not take effect.

(c) A legacy is bequeathed to A when and if he attains the age of 18, and, in case of his death, to B. A attains the age of 18. The legacy to B does not take effect.

(d) A legacy is bequeathed to A for life and, after his death, to B, and, "in case of B's death without children," to C. The words "in case of B's death without children" are to be understood as meaning in case B dies without children during the life-time of A.

(e) A legacy is bequeathed to A for life, and, after his death to B, and, "in case of B's death," to C. The words "in case of B's death" are to be considered as meaning "in case B dies in the life-time of A."

124. Where a bequest is made to such of certain persons as shall be surviving at some period, but the exact period is not specified, the legacy shall go to such of them as are alive at the time of payment or distribution, unless a contrary intention appears by the will.

Bequest to such of certain persons as shall be surviving at some period not specified.

Sec. Act 1865.

Illustrations.

(a) Property is bequeathed to A and B to be equally divided between them, or to the survivor of them. If both A and B survive the testator, the legacy is equally divided between them. If A dies before the testator, and B survives the testator, it goes to B.

(b) Property is bequeathed to A for life, and, after his death, to B and C, to be equally divided between them, or to the survivor of them. B dies during the life of A; C survives A. At A's death the legacy goes to C.

(c) Property is bequeathed to A for life, and after his death to B and C, or the survivor, with a direction that, if B should not survive the testator, his children are to stand in his place. C dies during the life of the testator; B survives the testator, but dies in the life-time of A. The legacy goes to the representative of B.

(d) Property is bequeathed to A for life, and, after his death, to B and C, with a direction that, in case either of them dies in the life-time of A, the whole shall go to the survivor. B dies in the life-time of A. Afterwards C dies in the life-time of A. The legacy goes to the representative of C.

CHAPTER XI.

OF CONDITIONAL BEQUESTS.

125. A bequest upon an impossible condition is void.

Bequest upon impossible condition.

Sec. Act 1865.

Illustrations.

(a) An estate is bequeathed to A on condition that he shall walk 100 miles in an hour. The bequest is void.

(b) A bequeaths 500 rupees to B on condition that he shall marry A's daughter. A's daughter was dead at the date of the will. The bequest is void.

126. A bequest upon a condition, the fulfilment of which would be contrary to law or to morality, is void.

Bequest upon illegal or immoral condition.

Sec. Act 1865.

Illustrations.

(a) A bequeaths 500 rupees to B on condition that he shall murder C. The bequest is void.

(b) A bequeaths 5,000 rupees to his niece if she will desert her husband. The bequest is void.

Section 115, Act X of 1865.

Fulfilment of condition precedent to vesting of legacy.

127. Where a will imposes a condition to be fulfilled before the legatee can take a vested interest in the thing bequeathed, the condition shall be considered to have been fulfilled if it has been substantially complied with.

Illustrations.

(a) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C, D and E. A marries with the written consent of B, C is present at the marriage. D sends a present to A previous to the marriage. E has been personally informed by A of his intentions, and has made no objection. A has fulfilled the condition.

(b) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. D dies. A marries with the consent of B and C. A has fulfilled the condition.

(c) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A marries in the life-time of B, C and D, with the consent of B and C only. A has not fulfilled the condition.

(d) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A obtains the unconditional assent of B, C and D to his marriage with E. Afterwards B, C and D capriciously retract their consent. A marries E. A has fulfilled the condition.

(e) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A marries without the consent of B, C and D, but obtains their consent after the marraige. A has not fulfilled the condition.

(f) A makes his will whereby he bequeaths a sum of money to B if B shall marry with the consent of A's executors. B marries during the lifetime of A, and A afterwards expresses his approbation of the marriage. A dies. The bequest to B takes effect.

(g) A legacy is bequeathed to A if he executes a certain document within a time specified in the will. The document is executed by A within a reasonable time, but not within the time specified in the will. A has not performed the condition, and is not entitled to receive the legacy.

Section 116, Act X of 1865.

Bequest to A and on failure of prior bequest to B.

128. Where there is a bequest to one person and a bequest of the same thing to another, if the prior bequest shall fail, the second bequest shall take effect upon the failure of the prior bequest although the failure may not have occurred in the manner contemplated by the testator.

Illustrations.

(a) A bequeaths a sum of money to his own children surviving him, and, if they all die under 18, to B. A dies without having ever had a child. The bequest to B takes effect.

(b) A bequeaths a sum of money to B, on condition that he shall execute a certain document within three months after A's death, and, if he should neglect to do so, to C. B dies in the testator's life-time. The bequest to C takes effect.

Section 117, Act X of 1865.

When second bequest not to take effect on failure of first.

129. Where the will shows an intention that the second bequest shall take effect only in the event of the first bequest failing in a particular manner, the second bequest shall not take effect, unless the prior bequest fails in that particular manner.

Illustration.

A makes a bequest to his wife, but in case she should die in his life-time, bequeaths to B that which he had bequeathed to her. A and his wife perish together, under circumstances which make it impossible to prove that she died before him, the bequest to B does not take effect.

Section 118, Act X of 1865.

Bequest over conditional upon happening or not happening of specified uncertain event.

130. (1) A bequest may be made to any person with the condition superadded that, in case a specified uncertain event shall happen, the thing bequeathed shall go to another person, or that, in case a specified uncertain event shall not happen, the thing bequeathed shall go over to another person.

(2) In each case the ulterior bequest is subject to the rules contained in sections 119, 120, 121, 122, 123, 124, 125, 126, 128 and 129.

Illustrations.

(a) A sum of money is bequeathed to A, to be paid to him at the age of 18, and if he shall die before he attains that age, to B. A takes a vested interest in the legacy, subject to be divested and to go to B in case A dies under 18.

(b) An estate is bequeathed to A with a proviso that if A shall dispute the competency of the testator to make a will, the estate shall go to B. A disputes the competency of the testator to make a will. The estate goes to B.

(c) A sum of money is bequeathed to A for life, and, after his death, to B; but if B shall then be dead, leaving a son, such son is to stand in the place of B. B takes a vested interest in the legacy, subject to be divested if he dies leaving a son in A's life-time.

(d) A sum of money is bequeathed to A and B, and if either should die during the life of C, then to the survivor living at the death of C. A and B die before C. The gift over cannot take effect, but the representative of A takes one-half of the money, and the representative of B takes the other half.

(e) A bequeaths to B the interest of a fund for life, and directs the fund to be divided at her death equally among her three children, or such of them as shall be living at her death. All the children of B die in B's life-time. The bequest over cannot take effect, but the interests of the children pass to their representatives.

Section 119, Act X of 1865.

Condition must be strictly fulfilled.

131. An ulterior bequest of the kind contemplated by section 130 cannot take effect, unless the condition is strictly fulfilled.

Illustrations.

(a) A legacy is bequeathed to A, with a proviso that if he marries without the consent of B, C and D, the legacy shall go to E. D dies. Even if A marries without the consent of B and C, the gift to E does not take effect.

(b) A legacy is bequeathed to A, with a proviso that, if he marries without the consent of B, the legacy shall go to C. A marries with the consent of B. He afterwards becomes a widower and marries again without the consent of B. The bequest to C does not take effect.

(c) A legacy is bequeathed to A, to be paid at 18, or marriage, with a proviso that, if A dies under 18 or marries without the consent of B, the legacy shall go to C. A marries under 18, without the consent of B. The bequest to C takes effect.

Section 120, Act X of 1865.

Original bequest not affected by invalidity of second.

132. If the ulterior bequest be not valid, the original bequest is not affected by it.

Illustrations.

(a) An estate is bequeathed to A for his life with condition superadded that, if he shall not on a given day walk 100 miles in an hour, the estate shall go to B. The condition being void, A retains his estate as if no condition had been inserted in the will.

(b) An estate is bequeathed to A for her life and, if she do not desert her husband, to B. A is entitled to the estate during her life as if no condition had been inserted in the will.

(c) An estate is bequeathed to A for life, and, if he marries to the eldest son of B for life. B, at the date of the testator's death, had not had a son. The bequest over is void under section 104, and A is entitled to the estate during his life.

Section 121, Act X of 1865.

133. A bequest may be made with the condition superadded that it shall cease to have effect in case a specified uncertain event shall happen, or in case a specified uncertain event shall not happen.

Bequest conditioned that it shall cease to have effect in case a specified uncertain event shall happen, or not happen.

Illustrations.

(*a*) An estate is bequeathed to A for his life, with a proviso that, in case he shall cut down a certain wood, the bequest shall cease to have any effect. A cuts down the wood. He loses his life-interest in the estate.

(*b*) An estate is bequeathed to A, provided that, if he marries under the age of 25 without the consent of the executors named in the will, the estate shall cease to belong to him. A marries under 25 without the consent of the executors. The estate ceases to belong to him.

(*c*) An estate is bequeathed to A, provided that, if he shall not go to England within three years after the testator's death, his interest in the estate shall cease. A does not go to England within the time prescribed. His interest in the estate ceases.

(*d*) An estate is bequeathed to A, with a proviso that if she becomes a nun, she shall cease to have any interest in the estate. A becomes a nun. She loses her interest under the will.

(*e*) A fund is bequeathed to A for life, and, after his death, to B, if B shall be then living, with a proviso that, if B shall become a nun the bequest to her shall cease to have any effect. B becomes a nun in the life-time of A. She thereby loses her contingent interest in the fund.

Section 122, Act X of 1865.

134. In order that a condition that a bequest shall cease to have effect may be valid, it is necessary that the event to which it relates be one which could legally constitute the condition of a bequest as contemplated by section 119.

Such condition must not be invalid under section 119.

Section 123, Act X of 1865.

135. Where a bequest is made with a condition superadded that, unless the legatee shall perform a certain act, the subject-matter of the bequest shall go to another person, or the bequest shall cease to have effect, but no time is specified for the performance of the act; if the legatee takes any step which renders impossible or indefinitely postpones the performance of the act required, the legacy shall go as if the legatee had died without performing such act.

Result of legatee rendering impossible or indefinitely postponing act for which no time specified, and on non-performance of which subject-matter to go over.

Illustrations.

(*a*) A bequest is made to A, with a proviso that, unless he enters the Army, the legacy shall go over to B. A takes Holy Orders, and thereby renders it impossible that he should fulfil the condition. B is entitled to receive the legacy.

(*b*) A bequest is made to A, with a proviso that it shall cease to have any effect if he does not marry B's daughter. A marries a stranger and thereby indefinitely postpones the fulfilment of the conditions. The bequest ceases to have effect.

Section 124, Act X of 1865.

Section 137, Act V of 1881.

136. Where the will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed, or as a condition upon the non-fulfilment of which the subject-matter of the bequest is to go over to another person or the bequest is to cease to have effect, the act must be performed within the time specified, unless the performance of it be prevented by fraud, in which case such further time shall be allowed as shall be requisite to make up for the delay caused by such fraud.

Performance of condition, precedent or subsequent, within specified time. Further time in case of fraud.

CHAPTER XII.

OF BEQUESTS WITH DIRECTIONS AS TO APPLICATION OR ENJOYMENT.

137. Where a fund is bequeathed absolutely to or for the benefit of any person, but the will contains a direction that it shall be applied or enjoyed in a particular manner, the legatee shall be entitled to receive the fund as if the will had contained no such direction.

Direction that fund be employed in particular manner following absolute bequest of same to or for benefit of any person.

Sec... Act ... 186...

Illustration.

A sum of money is bequeathed towards purchasing a country residence for A, or to purchase an annuity for A, or to place A in any business. A chooses to receive the legacy in money. He is entitled to do so.

138. Where a testator absolutely bequeaths a fund, so as to sever it from his own estate, but directs that the mode of enjoyment of it by the legatee shall be restricted so as to secure a specified benefit for the legatee; if that benefit cannot be obtained for the legatee, the fund belongs to him as if the will had contained no such direction.

Direction that mode of enjoyment of absolute bequest is to be restricted, to secure specified benefit for legatee.

Sect... Act ... 1865...

Illustrations.

(*a*) A bequeaths the residue of his property to be divided equally among his daughters and directs that the shares of the daughters shall be settled upon themselves respectively for life and be paid to their children after their death. All the daughters die unmarried. The representatives of each daughter are entitled to her share of the residue.

(*b*) A directs his trustees to raise a sum of money for his daughter, and he then directs that they shall invest the fund and pay the income arising from it to her during her life, and divide the principal among her children after her death. The daughter dies without having ever had a child. Her representatives are entitled to the fund.

139. Where a testator does not absolutely bequeath a fund, so as to sever it from his own estate, but gives it for certain purposes, and part of those purposes cannot be fulfilled, the fund, or so much of it as has not been exhausted upon the objects contemplated by the will, remains a part of the estate of the testator.

Bequest of fund for certain purposes, some of which cannot be fulfilled.

Sect... Act ... 186...

Illustrations.

(*a*) A directs that his trustees shall invest a sum of money in a particular way, and shall pay the interest to his son for life, and at his death shall divide the principal among his children. The son dies without having ever had a child. The fund, after the son's death, belongs to the estate of the testator.

(*b*) A bequeaths the residue of his estate, to be divided equally among his daughters with a direction that they are to have the interest only during their lives, and that at their decease the fund shall go to their children. The daughters have no children. The fund belongs to the estate of the testator.

CHAPTER XIII

OF BEQUESTS TO AN EXECUTOR.

Section 128, Act X of 1865.

Legatee named as executor cannot take unless he shows intention to act as executor.

140. If a legacy is bequeathed to a person who is named an executor of the will, he shall not take the legacy unless he proves the will or otherwise manifests an intention to act as executor.

Illustration.

A legacy is given to A, who is named an executor. A orders the funeral according to the directions contained in the will, and dies a few days after the testator, without having proved the will. A has manifested an intention to act as executor.

CHAPTER XIV.

OF SPECIFIC LEGACIES.

Section 129, Act X of 1865.

Specific legacy defined.

141. Where a testator bequeaths to any person a specified part of his property, which is distinguished from all other parts of his property, the legacy is said to be specific.

Illustrations.

(a) A bequeaths to B—

"the diamond ring presented to me by C":

"my gold chain":

"a certain bale of wool":

"a certain piece of cloth":

"all my household goods which shall be in or about my dwelling-house in M. Street, in Calcutta, at time of my death":

"the sum of 1,000 rupees in a certain chest":

"the debt which B owes me":

"all my bills, bonds and securities belonging to me lying in my lodgings in Calcutta":

"all my furniture in my house in Calcutta":

"all my goods on board a certain ship now lying in the river Hughli":

"2,000 rupees which I have in the hands of C":

"the money due to me on the bond of D":

"my mortgage on the Rampur factory":

"one-half of the money owing to me on my mortgage of Rampur factory":

"1,000 rupees, being part of a debt due to me from C":

"my capital stock of 1,000*l.* in East India Stock":

"my promissory notes of the Government of India for 10,000 rupees in their 4 per cent. loan":

"all such sums of money as my executors may, after my death, receive in respect of the debt due to me from the insolvent firm of D and Company":

"all the wine which I may have in my cellar at the time of my death":

"such of my horses as B may select":

"all my shares in the Imperial Bank of India":

"all my shares in the Imperial Bank of India which I may possess at the time of my death":

"all the money which I have in the 5½ per cent. loan of the Government of India":

"all the Government securities I shall be entitled to at the time of my decease."

Each of these legacies is specific.

(b) A, having Government promissory notes for 10,000 rupees, bequeaths to his executors "Government promissory notes for 10,000 rupees in trust to sell" for the benefit of B. The legacy is specific.

(c) A having property at Benares, and also in other places, bequeaths to B all his property at Benares. The legacy is specific.

(d) A bequeaths to B—

his house in Calcutta:

his zamindari of Rampur:

his taluq of Ramnagar:

his lease of the Indigo-factory of Salkya:

an annuity of 500 rupees out of the rents of his zamindari of W.

A directs his zamindari of X to be sold, and the proceeds to be invested for the benefit of B.

Each of these bequests is specific.

(e) A by his will charges his zamindari of Y with an annuity of 1,000 rupees to C during his life, and subject to this charge he bequeaths the zamindari to D. Each of these bequests is specific.

(f) A bequeaths a sum of money—

to buy a house in Calcutta for B:

to buy an estate in zila Faridpur for B:

to buy a diamond ring for B:

to buy a horse for B:

to be invested in shares in the Imperial Bank of India for B:

to be invested in Government securities for B:

A bequeaths to B—

"a diamond ring":

"a horse":

"10,000 rupees worth of Government securities":

"an annuity of 500 rupees":

"2,000 rupees to be paid in cash":

"so much money as will produce 5,000 rupees four per cent. Government securities."

These bequests are not specific.

(g) A, having property in England and property in India, bequeaths a legacy to B, and directs that it shall be paid out of the property which he may leave in India. He also bequeaths a legacy to C, and directs that it shall be paid out of property which he may leave in England. No one of these legacies is specific.

Bequest of certain sum where stocks, etc., in which invested are described.

142. Where a certain sum is bequeathed, the legacy is not specific merely because the stock, funds or securities in which it is invested are described in the will. Section Act X 1865.

Illustration.

A bequeaths to B—

"10,000 rupees of my funded property":

"10,000 rupees of my property now invested in shares of the East Indian Railway Company":

"10,000 rupees, at present secured by mortgage of Rampur factory."

No one of these legacies is specific.

Bequest of stock where testator had, at date of will, equal or greater amount of stock of same kind.

143. Where a bequest is made in general terms of a certain amount of any kind of stock, the legacy is not specific merely because the testator was, at the date of his will, possessed of stock of the specified kind, to an equal or greater amount than the amount bequeathed. Section Act X 1865.

Illustration.

A bequeaths to B 5,000 rupees five per cent. Government securities. A had at the date of the will five per cent. Government securities for 5,000 rupees. The legacy is not specific.

tion 132, X of 5.

Bequest of money where not payable until part of testator's property disposed of in certain way.

144. A money legacy is not specific merely because the will directs its payment to be postponed until some part of the property of the testator has been reduced to a certain form, or remitted to a certain place.

Illustration.

A bequeaths to B 10,000 rupees and directs that this legacy shall be paid as soon as A's property in India shall be realised in England. The legacy is not specific.

tion 133, t X of 5.

When enumerated articles not deemed specifically bequeathed.

145. Where a will contains a bequest of the residue of the testator's property along with an enumeration of some items of property not previously bequeathed, the articles enumerated shall not be deemed to be specifically bequeathed.

tion 134, X of 65.

Retention, in form, of specific bequest to several persons in succession.

146. Where property is specifically bequeathed to two or more persons in succession, it shall be retained in the form in which the testator left it, although it may be of such a nature that its value is continually decreasing.

Illustrations.

(a) A, having lease of a house for a term of years, fifteen of which were unexpired at the time of his death, has bequeathed the lease to B for his life, and after B's death to C. B is to enjoy the property as A left it although, if B lives for fifteen years, C can take nothing under the bequest.

(b) A, having an annuity during the life of B, bequeaths it to C, for his life, and, after C's death, to D. C is to enjoy the annuity as A left it, although, if B dies before D, D can take nothing under the bequest.

tion 135, X of 5.

Sale and investment of proceeds of property bequeathed to two or more persons in succession.

147. Where property comprised in a bequest to two or more persons in succession is not specifically bequeathed, it shall, in the absence of any direction to the contrary, be sold, and the proceeds of the sale shall be invested in such securities as the High Court may by any general rule authorise or direct, and the fund thus constituted shall be enjoyed by the successive legatees according to the terms of the will.

Illustration.

A, having a lease for a term of years, bequeaths all his property to B for life, and, after B's death, to C. The lease must be sold, the proceeds invested as stated in this section and the annual income arising from the fund is to be paid to B for life. At B's death the capital of the fund is to be paid to C.

n 136, of

Where deficiency of assets to pay legacies, specific legacy not to abate with general legacies.

148. If there is a deficiency of assets to pay legacies, a specific legacy is not liable to abate with the general legacies.

CHAPTER XV.

OF DEMONSTRATIVE LEGACIES.

Demonstrative legacy defined.

149. Where a testator bequeaths a certain sum of money, or a certain quantity of any other commodity, and refers to a particular fund or stock so as to constitute the same the primary fund or stock out of which payment is to be made, the legacy is said to be demonstrative. Section Act X of 1865.

Explanation.—The distinction between a specific legacy and a demonstrative legacy consists in this, that—

where specified property is given to the legatee, the legacy is specific;

where the legacy is directed to be paid out of specified property, it is demonstrative.

Illustrations.

(a) A bequeaths to B 1,000 rupees, being part of a debt due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. The legacy to B is specific, the legacy to C is demonstrative.

(b) A bequeaths to B—

"ten bushels of the corn which shall grow in my field of Green Acre";

"80 chests of the indigo which shall be made at my factory of Rampur";

"1,000 rupees out of my five per cent. promissory notes of the Government of India";

an annuity of 500 rupees "from my funded property";

"1,000 rupees out of the sum of 2,000 rupees due to me by C";

an annuity, and directs it to be paid "out of the rents arising from my taluk of Ramnagar."

(c) A bequeaths to B—

"10,000 rupees out of my estate at Ramnagar," or charges it on his estate at Ramnagar:

"10,000 rupees, being my share of the capital embarked in a certain business."

Each of these bequests is demonstrative.

Order of payment when legacy directed to be paid out of fund the subject of specific legacy.

150. Where a portion of a fund is specifically bequeathed and a legacy is directed to be paid out of the same fund, the portion specifically bequeathed shall first be paid to the legatee, and the demonstrative legacy shall be paid out of the residue of the fund and, so far as the residue shall be deficient, out of the general assets of the testator. Section Act X of 1865.

Illustration.

A bequeaths to B 1,000 rupees, being part of a debt due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. The debt due to A from W is only 1,500 rupees; of these 1,500 rupees, 1,000 rupees belong to B, and 500 rupees are to be paid to C. C is also to receive 500 rupees out of the general assets of the testator.

CHAPTER XVI.

OF ADEMPTION OF LEGACIES.

Section 139, Act X of 1865.

Ademption explained.

151. If anything which has been specifically bequeathed does not belong to the testator at the time of his death, or has been converted into property of a different kind, the legacy is adeemed; that is, it cannot take effect, by reason of the subject-matter having been withdrawn from the operation of the will.

Illustrations.

(*a*) A bequeaths to B—

"the diamoned ring presented to me by C";

"my gold chain";

"a certain bale of wool";

"a certain piece of cloth";

"all my household goods which shall be in or about my dwelling house in M Street in Calcutta, at the time of my death."

A in his life time,—

sells or gives away the ring;

converts the chain into a cup;

converts the wool into cloth;

makes the cloth into a garment;

takes another house into which he removes all his goods.

Each of these legacies is adeemed.

(*b*) A bequeaths to B—

"the sum of 1,000 rupees in a certain chest";

"all the horses in my stable."

At the death of A, no money is found in the chest, and no horses in the stable. The legacies are adeemed.

(*c*) A bequeaths to B certain bales of goods. A takes the goods with him on a voyage. The ship and goods are lost at sea, and A is drowned. The legacy is adeemed.

Section 140, Act X of 1865.

Non-ademption of demonstrative legacy.

152. A demonstrative legacy is not adeemed by reason that the property on which it is charged by the will does not exist at the time of the death of the testator, or has been converted into property of a different kind, but it shall in such case be paid out of the general assets of the testator.

Section 141, Act X of 1865.

Ademption of specific bequest of right to receive something from third party.

153. Where the thing specifically bequeathed is the right to receive something of value from a third party, and the testator himself receives it, the bequest is adeemed.

Illustrations.

(*a*) A bequeaths to B—

"the debt which C owes me";

"2,000 rupees which I have in the hands of D";

"the money due to me on the bond of E";

"my mortgage on the Rampur factory."

All these debts are extinguished in A's lifetime, some with and some without his consent. All the legacies are adeemed.

(*b*) A bequeaths to B his interest in certain policies of the assurance. A in his lifetime receives the amount of life polices. The legacy is adeemed.

Section 142, Act X of 1865.

Ademption *pro tanto* by testator's receipt of part of entire thing specifically bequeathed.

154. The receipt by the testator of a part of an entire thing specifically bequeathed shall operate as an ademption of the legacy to the extent of the sum so received.

Illustration.

A bequeaths to B "the debt due to me by C." The debt amounts to 10,000 rupees. C pays to A 5,000 rupees, the one-half of the debt. The legacy is revoked by ademption, so far as regards the 5,000 rupees received by A.

Section 143, Act X of 1865.

Ademption *pro tanto* by testator's receipt of portion of entire fund of which portion has been specifically bequeathed.

155. If a portion of an entire fund or stock is specifically bequeathed, the receipt by the testator of a portion of the fund or stock shall operate as an ademption only to the extent of the amount so received; and the residue of the fund or stock shall be applicable to the discharge of the specific legacy.

Illustration.

A bequeaths to B one-half of the sum of 10,000 rupees due to him from W. A in his life-time receives 6,000 rupees, part of the 10,000 rupees. The 4,000 rupees which are due from W to A at the time of his death belong to B under the specific bequest.

Section 144, Act X of 1865.

Order of payment where portion of fund specifically bequeathed to one legatee, and legacy charged on same fund to another, and, testator having received portion of that fund, remainder insufficient to pay both legacies.

156. Where a portion of a fund is specifically bequeathed to one legatee, and a legacy charged on the same fund is bequeathed to another legatee, then, if the testator receives a portion of that fund, and the remainder of the fund is insufficient to pay both the specific and the demonstrative legacy, the specific legacy shall be paid first, and the residue (if any) of the fund shall be applied so far as it will extend in payment of the demonstrative legacy, and the rest of the demonstrative legacy shall be paid out of the general assets of the testator.

Illustration.

A bequeaths to B 1,000 rupees, part of the debt of 2,000 rupees due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. A afterwards receives 5,000 rupees, part of that debt, and dies leaving only 1,500 rupees due to him from W. Of these 1,500 rupees, 1,000 rupees belong to B, and 500 rupees are to be paid to C. C is also to receive 500 rupees out of the general assets of the testator.

Section 145, Act X of 1865.

Ademption where stock, specifically bequeathed, does not exist at testator's death.

157. Where stock which has been specifically bequeathed does not exist at the testator's death, the legacy is adeemed.

Illustration.

A bequeaths to B—

"my capital stock of 1,000*l*. in East India Stock";

"my promissory notes of the Government of India for 10,000 rupees in their 4 per cent. loan."

A sells the stock and the notes. The legacies are adeemed.

Section 146, Act X of 1865.

Ademption *pro tanto* where stock, specifically bequeathed, exist in part only at testator's death.

158. Where stock which has been specifically bequeathed exists only in part at the testator's death, the legacy is adeemed so far as regards that part of the stock which has ceased to exist.

Illustration.

A bequeaths to B his 10,000 rupees in the 5½ per cent. loan of the Government of India. A sells one-half of his 10,000 rupees in the loan in question. One-half of the legacy is adeemed.

Section 147, Act X of 1865.

Non-ademption of specific bequest of goods described as connected with certain place, by reason of removal.

159. A specific bequest of goods under a description connecting them with a certain place is not adeemed by reason that they have been removed from such place from any temporary cause, or by fraud, or without the knowledge or sanction of the testator.

Illustrations.

(*a*) A bequeaths to B "all my household goods which shall be in or about my dwelling-house in Calcutta at the time of my death." The goods are removed from the house to save them from fire. A dies before they are brought back.

(*b*) A bequeaths to B "all my household goods which shall be in or about my dwelling-house in Calcutta at the time of my death." During A's absence upon a journey, the whole of the goods are removed from the house. A dies without having sanctioned their removal.

Neither of these legacies is adeemed.

Section 148, Act X of 1865.

When removal of thing bequeathed does not constitute ademption.

160. The removal of the thing bequeathed from the place in which it is stated in the will to be situated does not constitute an ademption, where the place is only referred to in order to complete the description of what the testator meant to bequeath.

Illustrations.

(*a*) A bequeaths to B "all the bills, bonds and other securities for money belonging to me now lying in lodgings in Calcutta." At the time of his death, these effects had been removed from his lodgings in Calcutta.

(*b*) A bequeaths to B all his furniture then in his house in Calcutta. The testator has a house at Calcutta and another at Chinsurah, in which he lives alternately, being possessed of one set of furniture only which he removes with himself to each house. At the time of his death the furniture is in the house at Chinsurah.

(*c*) A bequeaths to B all his goods on board a certain ship then lying in the river Hughli. The goods are removed by A's directions to a warhouse, in which they remain at the time of A's death.

No one of these legacies is revoked by ademption.

Section 149, Act X of 1865.

When thing bequeathed is a valuable to be received by testator from third person; and testator himself, or his representative, receives it.

161. Where the thing bequeathed is not the right to receive something of value from a third person but the money or other commodity which may be received from the third person by the testator himself or by his representatives, the receipt of such sum of money or other commodity by the testator shall not constitute an ademption; but if he mixes it up with the general mass of his property, the legacy is adeemed.

Illustration.

A bequeaths to B whatever sum may be received from his claim on C. A receives the whole of his claim on C, and sets it apart from the general mass of his property. The legacy is not adeemed.

Section 150, Act X of 1865.

Change by operation of law of subject of specific bequest between date of will and testator's death.

162. Where a thing specifically bequeathed undergoes a change between the date of the will and the testator's death, and the change takes place by operation of law, or in the course of execution of the provisions of any legal instrument under which the thing bequeathed was held, the legacy is not adeemed by reason of such change.

Illustrations.

(*a*) A bequeaths to B "all the money which I have in the 5½ per cent. loan of the Government of India." The securities for the 5½ per cent. loan are converted during A's lifetime into 5 per cent. stock.

(*b*) A bequeaths to B the sum of 2,000*l*. invested in Consols in the names of trustees for A. The sum of 2000*l*. is transferred by the trustees into A's own name.

(*c*) A bequeaths to B the sum of 10,000 rupees in promissory notes of the Government of India which he has power under his marriage settlement to dispose of by will. Afterwards, in A's life-time, the fund is converted into Consols by virtue of an authority contained in the settlement.

No one of these legacies has been adeemed.

Section 151, Act X of 1865.

Change of subject without testator's knowledge.

163. Where a thing specifically bequeathed undergoes a change between the date of the will and the testator's death, and the change takes place without the knowledge or sanction of the testor, the legacy is not adeemed.

Illustration.

A bequeaths to B "all my 3 per cent. Consols." The Consols are, without A's knowledge, sold by his agent, and the proceeds converted into East India Stock. This legacy is not adeemed.

Section 152, Act X of 1865.

Stock specifically bequeathed lent to third party on condition that it be replaced.

164. Where stock which has been specifically bequeathed is lent to a third party on condition that it shall be replaced, and it is replaced accordingly, the legacy is not adeemed.

Section 153, Act X of 1865.

Stock specifically bequeathed sold but replaced, and belonging to testatator his death.

165. Where stock specifically bequeathed is sold, and an equal quantity of the same stock is afterwards purchased and belongs to the testator at his death, the legacy is not adeemed.

CHAPTER XVII.

OF THE PAYMENT OF LIABILITIES IN RESPECT OF THE SUBJECT OF A BEQUEST.

Section 154, Act X of 1865.

Non-liability of executor to exonerate specific legatees.

166. (*1*) Where property is specifically bequeathed subject at the death of the testator to any pledge, lien or incumbrance created by the testator himself or by any person under whom he claims, then, unless a contrary intention appears by the will, the legatee, if he accepts the bequest, shall accept it subject to such pledge

or incumbrance, and shall (as between himself and the testator's estate) be liable to make good the amount of such pledge or incumbrance.

(2) A contrary intention shall not be inferred from any direction which the will may contain for the payment of the testator's debts generally.

Explanation.—A periodical payment in the nature of land-revenue or in the nature of rent is not such an incumbrance as is contemplated by this section.

Illustrations.

(a) A bequeaths to B the diamond ring given him by C. At A's death the ring is held in pawn by D, to whom it has been pledged by A. It is the duty of A's executors, if the state of the testator's assets will allow them, to allow B to redeem the ring.

(b) A bequeaths to B a zamindari which at A's death is subject to a mortgage for 10,000 rupees; and the whole of the principal sum, together with interest to the amount of 1,000 rupees, is due at A's death. B, if he accepts the bequest, accepts it subject to his charge, and is liable, as between himself and A's estate, to pay the sum of 11,000 rupees thus due.

Section 155, Act X of 1865.

167. Where anything is to be done to complete the testator's title to the thing bequeathed, it is to be done at the cost of the testator's estate.

Completion of testator's title to things bequeathed to be at cost of his estate.

Illustrations.

(a) A, having contracted in general terms for the purchase of a piece of land at a certain price, bequeaths it to B and dies before he has paid the purchase-money. The purchase money must be made good out of A's assets.

(b) A having contracted for the purchase of a piece of land for a certain sum of money, one-half of which is to be paid down and the other half secured by mortgage of the land, bequeaths it to B, and dies before he has paid or secured any part of the purchase-money. One half of the purchase-money must be paid out of A's assets.

Section 156, Act X of 1865.

168. Where there is a bequest of any interest in immoveable property in respect of which payment in the nature of land-revenue or in the nature of rent has to be made periodically, the estate of the testator shall (as between such estate and the legatee) make good such payments or a proportion of them, as the case may be, up to the day of his death.

Exoneration of legatee's immoveable property for which land-revenue or rent payable periodically.

Illustration.

A bequeaths to B a house, in respect of which 365 rupees are payable annually by way of rent. A pays his rent at the usual time and dies 25 days after. A's estate shall make good 25 rupees in respect of the rent.

Section 157, Act X of 1865.

169. In the absence of any direction in the will, where there is a specific bequest of stock in a joint stock company, if any call or other payment is due from the testator at the time of his death in respect of the stock, such call or payment shall, as between the testator's estate and the legatee, be borne by the estate; but, if any call or other payment becomes due in respect of such stock after the testator's death, the same shall, as between the testator's estate and the legatee, be borne by the legatee, if he accepts the bequest.

Exoneration of specific legatee's stock in joint stock company.

Illustrations.

(a) A bequeaths to B his shares in a certain railway. At A's death there was due from him the sum of 100 rupees in respect of each share, being the amount of a call which had been duly made, and the sum of five rupees in respect of each share, being the amount of interest which had accrued due in respect of the call. These payments must be borne by A's estate.

(b) A has agreed to take 50 shares in an intended joint stock company, and has contracted to pay up 100 rupees in respect of each share, which sum must be paid before his title to the shares can be completed. A bequeaths these shares to B. The estate of A must make good the payments which were necessary to complete A's title.

(c) A bequeaths to B his shares in a certain railway. B accepts the legacy. After A's death, a call is made in respect of the shares. B must pay the call.

(d) A bequeaths to B his shares in a joint stock company. B accepts the bequest. Afterwards the affairs of the company are wound up, and each shareholder is called upon for contribution. The amount of the contribution must be borne by the legatee.

(e) A is the owner of ten shares in a railway company. At a meeting held during his lifetime a call is made of fifty rupees per share, payable by three instalments. A bequeaths his shares to B, and dies between the day fixed for the payment of the first and the day fixed for the payment of the second instalment, and without having paid the first instalment. A's estate must pay the first instalment, and B, if he accepts the legacy, must pay the remaining instalments.

CHAPTER XVIII.

OF BEQUESTS OF THINGS DESCRIBED IN GENERAL TERMS.

170. If there is a bequest of something described in general terms, the executor must purchase for the legatee what may reasonably be considered to answer the description. Section 158, Act X of 1865.

Bequest of thing described in general terms.

Illustrations.

(a) A bequeaths to B a pair of carriage-horses or a diamond ring. The executor must provide the legatee with such articles if the state of the assets will allow it.

(b) A bequeaths to B "my pair of carriage-horses." A had no carriage-horses at the time of his death. The legacy fails.

CHAPTER XIX.

OF BEQUESTS OF THE INTEREST OR PRODUCE OF A FUND.

171. Where the interest or produce of a fund is bequeathed to any person, and the will affords no indication of an intention that the enjoyment of the bequest should be of limited duration, the principal as well as the interest shall belong to the legatee. Section 159, Act X of 1865.

Bequest of interest or produce of fund.

Illustrations.

(a) A bequeaths to B the interest of his 5 per cent. promissory notes of the Government of India. There is no other clause in the will affecting those securities. B is entitled to A's 5 per cent. promissory notes of the Government of India.

(b) A bequeaths the interest of his 5½ per cent. promissory notes of the Government of India to B for his life, and after his death, to C. B is entitled to the interest of the notes during his life, and C is entitled to the notes upon B's death.

(c) A bequeaths to B the rents of his lands at X. B is entitled to the lands.

CHAPTER XX.

OF BEQUESTS OF ANNUITIES.

Section 160, Act X of 1865.

Annuity created by will payable for life only unless contrary intention appears by will.

172. Where an annuity is created by will, the legatee is entitled to receive it for his life only, unless a contrary intention appears by the will, notwithstanding that the annuity is directed to be paid out of the property generally, or that a sum of money is bequeathed to be invested in the purchase of it.

Illustrations.

(a) A bequeaths to B 500 rupees a year. B is entitled during his life to receive the annual sum of 500 rupees.

(b) A bequeaths to B the sum of 500 rupees monthly. B is entitled during his life to receive the sum of 500 rupees every month.

(c) A bequeaths an annuity of 500 rupees to B for life, and on B's death to C. B is entitled to an annuity of 500 rupees during his life. C, if he survives B, is entitled to an annuity of 500 rupees from B's death until his own death.

Section 161, Act X of 1865.

Period of vesting where will directs that annuity be provided out of proceeds of property, or out of property generally, or where money be invested in purchase of annuity.

173. Where the will directs that an annuity shall be provided for any person out of the proceeds of property, or out of property generally, or where money is bequeathed to be invested in the purchase of any annuity for any person, on the testator's death the legacy vests in interest in the legatee, and he is entitled at his option to have an annuity purchased for him or to receive the money appropriated for that purpose by the will.

Illustrations.

(a) A by his will directs that his executors shall, out of his property, purchase an annuity of 1,000 rupees for B. B is entitled at his option to have an annuity of 1,000 rupees for his life purchased for him, or to receive such a sum as will be sufficient for the purchase of such an annuity.

(b) A bequeaths a fund to B for his life, and directs that, after B's death, it shall be laid out in the purchase of an annuity for C. B and C survive the testator. C dies in B's lifetime. On B's death the fund belongs to the representative of C.

Section 162, Act X of 1865.

Abatement of annuity.

174. Where an annuity is bequeathed, but the assets of the testator are not sufficient to pay all the legacies given by the will, the annuity shall abate in the same proportion as the other pecuniary legacies given by the will.

Section 163, Act X of 1865.

Where gift of annuity and residuary gift, whole annuity to be first satisfied.

175. Where there is a gift of an annuity and a residuary gift, the whole of the annuity is to be satisfied before any part of the residue is paid to the residuary legatee and, if necessary, the capital of the testator's estate shall be applied for that purpose.

CHAPTER XXI.

OF LEGACIES TO CREDITORS AND PORTIONERS.

Section 164, Act X of 1865.

Creditor prima facie entitled to legacy as well as debt.

176. Where a debtor bequeaths a legacy to his creditor, and it does not appear from the will that the legacy is meant as a satisfaction of the debt, the creditor shall be entitled to the legacy as well as to the amount of the debt.

Sec. Act 1865.

Child prima facie entitled to legacy as well as portion.

177. Where a parent, who is under obligation by contract, to provide a portion for a child, fails to do so, and afterwards bequeaths a legacy to the child, and does not intimate by his will that the legacy is meant as a satisfaction of the portion, the child shall be entitled to receive the legacy as well as the portion.

Illustration.

A, by articles entered into in contemplation of his marriage with B, covenanted that he would pay to each of the daughters of the intended marriage a portion of 20,000 rupees on her marriage. This covenant having been broken, A bequeaths 20,000 rupees to each of the married daughters of himself and B. The legatees are entitled to the benefit of this bequest in addition to their portions.

Sec. Act 1865.

No ademption by subsequent provision for legatee.

178 No bequest shall be wholly or partially adeemed by a subsequent provision made by settlement or otherwise for the legatee.

Illustrations.

(a) A bequeaths 20,000 rupees to his son B. He afterwards gives to B the sum of 20,000 rupees. The legacy is not thereby adeemed.

(b) A bequeaths 40,000 rupees to B, his orphan niece whom he had brought up from her infancy. Afterwards, on the occasion of B's marriage, A settles upon her the sum 30,000 rupees The legacy is not thereby diminished.

CHAPTER XXII.

OF ELECTION.

Sec. Act 1865.

Circumstances in which election takes place.

179. Where a person, by his will, professes to dispose of something which he has no right to dispose of, the person to whom the thing belongs shall elect either to confirm such disposition or to dissent from it, and, in the latter case, he shall give up any benefits which may have been provided for him by the will.

Sec. Act 1865.

Devolution of interest relinquished by owner.

180. An interest relinquished in the circumstances stated in section 179 shall devolve as if it had not been disposed of by the will in favour of the legatee, subject, nevertheless, to the charge of making good to the disappointed legatee the amount or value of the gift attempted to be given to him by the will.

Sec. Act 1865.

Testator's belief as to his ownership immaterial.

181. The provisions of sections 179 and 180 apply whether the testator does or does not believe that which he professes to dispose of by his will to be his own.

Illustrations.

(a) The farm of Sultanpur was the property of C. A bequeathed it to B, giving a legacy of 1,000 rupees to C. C. has elected to retain his farm of Sultanpur, which is worth 800 rupees. C forfeits his legacy of 1,000 rupees, of which 800 rupees goes to B, and the remaining 200 rupees falls into the residuary bequest, or devolves according to the rules of intestate succession, as the case may be.

(b) A bequeaths an estate to B in case B's elder brother (who is married and has children) shall leave no issue living at his death. A also bequeaths to C a jewel, which belongs to B. B must elect to give up the jewel or to lose the estate.

(c) A bequeaths to B 1,000 rupees, and to C an estate which will, under a settlement, belong to B if his elder brother (who is married and has children) shall leave no issue living at his death. B must elect to give up the estate or to lose the legacy.

(d) A, a person of the age of 18, domiciled in British India, but owning real propuerty in England, to which C is heir at law, bequeaths a legacy to C and, subject thereto, devises and bequeaths to B "all my property whatsoever and wheresoever," and dies under 21. The real property in England does not pass by the *will*. C may claim his legacy without giving up the real property in England.

Section 170, Act X of 1865.

182. A bequest for a person's benefit is, for the purpose of election, the same thing as a bequest made to himself.

Bequest for man's benefit how regarded for purpose of election.

Illustration.

The farm of Sultanpur Khurd being the property of B. A bequeathed it to C; and bequeathed another farm called Sultanpur Buzurg to his own executors with a direction that it should be sold and the proceeds applied in payment of B's debts. B must elect whether he will abide by the will, or keep his farm of Sultanpur Khurd in opposition to it.

Section 171, Act X of 1865.

183. A person taking no benefit directly under a will, but deriving benefit under it indirectly, is not put to his election.

Person deriving benefit indirectly not put to election

Illustration.

The lands of Sultanpur are settled upon C for life, and after his death upon D, his only child. A bequeaths the lands of Sultanpur to B and 1,000 rupees to C. C dies intestate shortly after the testator, and without having made any election. D takes out administration to C, and as administrator elects on behalf of C's estate to take under the will. In that capacity he receives the legacy of 1,000 rupees and accounts to B for the rents of the lands of Sultanpur which accrued after the death of the testator and before the death of C. In his individual character he retains the lands of Sultanpur in opposition to the will.

Section 172, Act X of 1865.

184. A person who in his individual capacity takes a benefit under a will may, in another character, elect to take in opposition to the will.

Person taking in individual capacity under will may in other character elect to take in opposition.

Illustration.

The estate of Sultanpur is settled upon A for life, and after his death, upon B. A leaves the estate of Sultanpur to D, and 2,000 rupees to B, and 1,000 rupees to C, who is B's only child. B dies intestate, shortly after the testator, without having made an election. C takes out administration to B, and as administrator elects to keep the estate of Sultanpur in opposition to the will, and to relinquish the legacy of 2,000, rupees. C may do this, and yet claim his legacy of 1,000 rupees under the will.

Section 172, Act X of 1865.

185. Notwithstanding anything contained in sections 179, to 184, where a particular gift is expressed in the will to be in lieu of something belonging to the legatee which is also in terms disposed of by the will, then, if the legatee claims that thing, he must relinquish the particular gift, but he is not bound to relinquish any other benefit given to him by the will.

Exception to provisions of last six sections.

Illustration.

Under A's marriage-settlement his wife is entitled, if she survives him, to the enjoyment of the estate of Sultanpur during her life. A by his will bequeaths to his wife an annuity of 200, rupees during her life, in lieu of her interest in the estate of Sultanpur, which estate he bequeaths to his son. He also gives his wife a legacy of 1,000 rupees. The widow elects to take what she is entitled to under the settlement. She is bound to relinquish the annuity, but not the legacy of 1,000 rupees.

186. Acceptance of a benefit given by a will constitutes an election by the legatee to take under the will, if he had knowledge of his right to elect and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives inquiry into the circumstances. Section 173 Act X of 1865.

When acceptance of benefit given by will constitutes election to take under will.

Illustrations.

(a) A is owner of an estate called Sultanpur Khurd, and has a life interest in another estate called Sultanpur Buzurg, to which upon his death his son B will be absolutely entitled. The will of A gives the estate of Sultanpur Khurd to B, and the estate of Sultanpur Buzurg to C. B, in ignorance of his own right to the estate of Sultanpur Buzurg, allows C to take possession of it, and enters into possession of the estate of Sultanpur Khurd. B has not confirmed the bequest of Sultanpur Buzurg to C.

(b) B, the eldest son of A, is the possessor of an estate called Sultanpur. A bequeaths Sultanpur to C, and to B the residue of A's property. B having been informed by A's executors that the residue will amount to 5,000 rupees, allows C to take possession of Sultanpur. He afterwards discovers that the residue does not amount to more than 500 rupees. B has not confirmed the bequest of the estate of Sultanpur to C.

187. (*1*) Such knowledge or waiver of inquiry shall, in the absence of evidence to the contrary, be presumed if the legatee has enjoyed for two years the benefits provided for him by the will without doing any act to express dissent. Section 174 Act X of 1865.

Circumstances in which knowledge or waiver is presumed or inferred.

(2) Such knowledge or waiver of inquiry may be inferred from any act of the legatee which renders it impossible to place the persons interested in the subject-matter of the bequest in the same condition as if such act had not been done. Section 175, Act X of 1865.

Illustration.

A bequeaths to B an estate to which she is entitled, and to C a coal-mine. C takes possession of the mine and exhausts it. He has thereby confirmed the bequest of the estate to B.

188 If the legatee does not, within one year after the death of the testator, signify to the testator's representatives his intention to confirm or to dissent from the will, the representatives shall, upon the expiration of that period, require him to make his election and, if he does not comply with such requisition within a reasonable time after he has received it, he shall be deemed to have elected to confirm the will. Section 176, Act X of 1865.

When testator's representatives may call upon legatee to elect.

189. In case of disability the election shall be postponed until the disability ceases, or until the election is made by some competent authority. Section 177 Act X of 1865.

Postponement of election in case of disability.

CHAPTER XXIII.

OF GIFTS IN CONTEMPLATION OF DEATH.

Section 178, Act X of 1865.

Property transferable by gift made in contemplation of death.

190 (1) A man may dispose, by gift made in contemplation of death, of any moveable property which he could dispose of by will.

(2) A gift is said to be made in contemplation of death where a man who is ill and expects to die shortly of his illness, delivers to another the possession of any moveable property to keep as a gift in case the donor shall die of that illness.

(3) Such a gift may be resumed by the giver; and shall not take effect if he recovers from the illness during which it was made; nor if he survives the person to whom it was made.

Illustrations.

(a) A being ill, and in expectation of death, delivers to B, to by retained by him in case of A's death,—

a watch :

a bond granted by C to A :

a bank-note :

a promissory note of the Government of India endorsed in blank :

a bill of exchange endorsed in blank :

certain mortgage-deeds.

A dies of the illness during which he delivered these articles.

B is entitled to—

the watch :

the debt secured by C's bond :

the bank-note :

the promissory note of the Government of India :

the bill of exchange :

the money secured by the mortgage-deeds.

(b) A, being ill, and in expectation of death, delivers to B the key of a trunk or the key of a warehouse in which goods of bulk belonging to A are deposited, with the intention of giving him the control over the contents of the trunk, or over the deposited goods, and desires him to keep them in case of A's death. A dies of the illness during which he delivered these articles. B is entitled to the trunk and its contents or to A's goods of bulk in the warehouse

(c) A, being ill, and in expectation of death, puts aside certain articles in separate parcels and marks upon the parcels respectively the names of B and C. The parcels are not delivered during the life of A. A dies of the illness during which he set aside the parcels. B and C are not entitled to the contents of the parcels.

PART V.

PROTECTION OF PROPERTY OF DECEASED.

Section 1, Act XIX of 1841.

Person claiming right by succession to property of deceased may apply for relief against wrongful possession.

191. (1) If any person dies leaving property, moveable or immoveable, any person claiming a right by succession thereto, or to any portion thereof, may make application to the District Judge of the district where any part of the property is found or situate for relief, either after actual possession has been taken by another person or when forcible means of seizing possession are apprehended.

(2) Any agent, relative or near friend, or the Court of Wards in cases within their cognizance, may, in the event of any minor, or any disqualified or absent person being entitled by succession to such property as aforesaid, make the like application for relief.

Inquiry made by Judge.

192. The District Judge to whom such application is made, shall, in the first place, examine the applicant on oath, and take such further evidence, if any, as he thinks necessary as to whether there is sufficient ground for believing that the party in possession or taking forcible means for seizing possession has no lawful title, and that the applicant, or the person on whose behalf he applies, is really entitled and is likely to be materially prejudiced if left to the ordinary remedy of a regular suit, and that the application is made *bonâ fide*.

Procedure.

193. If the District Judge is satisfied that there is sufficient ground for believing as aforesaid but not otherwise, he shall summon the party complained of, and give notice of vacant or disturbed possession by publication, and, after the expiration of a reasonable time, shall determine summarily the right to possession (subject to regular suit as hereinafter provided), and shall deliver possession accordingly :

Provided that the Judge shall have the power to appoint an officer who shall take an inventory of effects, and seal or otherwise secure the same, upon being applied to for the purpose, without delay, whether he shall have concluded the inquiry necessary for citing the party complained of or not.

Appointment of curator pending determination of suit.

194. If it further appears upon such application and examination as aforesaid that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, and that the delay in obtaining security from the party in possession or the insufficiency thereof is likely to expose the party out of possession to considerable risk, provided he is the lawful owner, the District Judge may appoint one or more curators whose authority shall continue according to the terms of his or their respective appointments, and in no case beyond the determination of the summary suit and the confirmation or delivery of possession in consequence thereof :

Provided that, in the case of land, the Judge may delegate to the Collector, or to any officer subordinate to the Collector, the powers of a curator :

Provided, further, that every appointment of a curator in respect of any property shall be duly published.

Powers conferable on curator.

195 The District Judge may authorise the curator either to take possession of the property generally, or until security is given by the party in possession, or until inventories of the property have been made,

or for any other purpose necessary for securing the property from misappropriation or waste by the party in possession:

Provided that it shall be entirely discretionary with the Judge, whether he allows the party in possession to continue in such possession on given security or not, and any continuance in possession shall be subject to such orders as the Judge may issue touching inventories, or the securing of deeds or other effects.

Section 23, Act VII of 1889.

Prohibition of exercise of certain powers by curators.

VII of 1889.

196. (*1*) Where a certificate has been granted under Part VIII or under the Succession Certificate Act, 1889, or a grant of probate or letters of administration has been made, a curator appointed under this Part shall not exercise any authority lawfully belonging to the holder of the certificate or to the executor or administrator.

(2) All persons who have paid debts or rents to a curator authorised by a Court to receive them shall be indemnified, and the curator shall be responsible for the payment thereof to the person who has obtained the certificate, probate or letters of administration, as the case may be.

Section 7, Act XIX of 1841.

Curator to give security and may receive remuneration.

197. (*1*) The District Judge shall take from the curator security for the faithful discharge of his trust, and for rendering satisfactory accounts of the same as hereinafter provided, and may authorise him to receive out of the property such remuneration, in no case exceeding five per centum on the moveable property and on the annual profits of the immoveable property as the District Judge thinks reasonable.

(*2*) All surplus money realised by the curator shall be paid into Court, and invested in public securities for the benefit of the persons entitled thereto upon adjudication of the summary suit.

(*3*) Security shall be required from the curator with all reasonable despatch, and, where it is practicable, shall be taken generally to answer all cases for which the person may be afterwards appointed curator; but no delay in the taking of security shall prevent the Judge from immediately investing the curator with the powers of his office.

Section 8, Act XIX of 1841.

Report from Collector where estate includes revenue-paying land.

198. (*1*) Where the estate of the deceased person consists wholly or in part of land paying revenue to Government, in all matters regarding the propriety of summoning the party in possession, of appointing a curator, or of nominating individuals to that appointment, the District Judge shall demand a report from the Collector, and the Collector shall thereupon furnish the same:

Provided that in cases of urgency the Judge may proceed, in the first instance, without such report.

(2) The Judge shall not be obliged to act in conformity with any such report, but, in case of his acting otherwise than according to such report he shall immediately forward a statement of his reasons to the High Court, and the High Court, if it is dissatisfied with such reasons, shall direct the Judge to proceed conformably to the report of the Collector.

Institution and defence of suits.

199. The Curator shall be subject to all orders of the District Judge regarding the institution or the defence of suits, and all suits may be instituted or defended in the name of the curator on behalf of the estate: Section 9, Act XIX of 1841.

Provided that an express authority shall be requisite in the order of the curator's appointment for the collection of debts or rents; but such express authority shall enable the curator to give a full acquittance for any sums of money received by virtue thereof.

Allowances to apparent owners pending custody by curator.

200. Pending the custody of the property by the curator, the District Judge may make such allowances to parties having a *prima facie* right thereto as upon a summary investigation of the rights and circumstances of the parties interested he considers necessary, and may, at his discretion, take security for the repayment thereof with interest, in the event of the party being found, upon the adjudication of the summary suit, not to be entitled thereto. Section 10, Act XIX of 1841.

Accounts to be filed by curator.

201. The curator shall file monthly accounts in abstract, and shall, on the expiry of each period of three months, if his administration lasts so long, and upon giving up the possession of the property, file a detailed account of his administration to the satisfaction of the District Judge. Section 11, Act XIX of 1841.

Inspection of accounts and right of interested party to keep duplicate.

202. (*1*) The accounts of the curator shall be open to the inspection of all parties interested; and it shall be competent for any such interested party to appoint a separate person to keep a duplicate account of all receipts and payments by the curator. Section 12, Act XIX of 1841.

(*2*) If it is found that the accounts of the curator are in arrear, or that they are erroneous or incomplete, or if the curator does not produce them whenever he is ordered to do so by the District Judge, he shall be punishable with fine not exceeding one thousand rupees for every such default.

Bar to appointment of second curator for same property.

203. If the Judge of any district has appointed a curator, in respect of the whole of the property of a deceased person, such appointment shall preclude the Judge of any other district within the same province from appointing any other curator, but the appointment of a curator in respect of a portion of the property of the deceased shall not preclude the appointment within the same province of another curator in respect of the residue or any portion thereof: Section 13, Act XIX of 1841.

Provided that no Judge shall appoint a curator or entertain a summary suit in respect of property which is the subject of a summary suit previously instituted under this Part before another Judge:

Provided, further, that, if two or more curators are appointed by different Judges for several parts of an estate, it shall be lawful for the High Court to make such order as it thinks fit for the appointment of one curator of the whole property.

Section 14, Act XIX of 1841.

Limitation of time for application for curator.

204. An application under this Part to the District Judge must be made within six months of the death of the proprietor whose property is claimed by right in succession.

Section 15, Act XIX of 1841.

Bar to enforcement of Part against public settlement or legal directions by deceased.

205. Nothing in this Part shall be deemed to authorise the contravention of any public act of settlement or of any legal directions given by a deceased proprietor of any property for the possession of his property after his decease in the event of minority or otherwise, and, in every such case, as soon as the Judge having jurisdiction over the property of a deceased person is satisfied of the existence of such directions, he shall give effect thereto.

Section 16, Act XIX of 1841.

Court of wards to be made curator in case of minors having property subject to its jurisdiction.

206. Nothing in this Part shall be deemed to authorise any disturbance of the possession of a Court of Wards of any property and in case a minor, or other disqualified person whose property is subject to the Court of Wards, is the party on whose behalf application is made under this Part, the District Judge, if he determines to summon the party in possession and to appoint a curator, shall invest the Court of Wards with the curatorship of the estate pending the suit without taking such security as aforesaid; and if the minor or other disqualified person, upon the adjudication of the summary suit, appears to be entitled to the property, possession shall be delivered to the Court of Wards.

Section 17, Act XIX of 1841.

Saving of right to bring regular suit.

207. Nothing contained in this Part shall be any impediment to the bringing of a regular suit either by the party whose application may have been rejected before or after the summoning of the party in possession, or by the party who may have been evicted from the possession under this Part.

Section 18, Act XIX of 1841.

Effect of decision of summary suit.

208. The decision of a District Judge in a summary suit under this Part shall have no other effect than that of settling the actual possession; but for this purpose it shall be final, and shall not be subject to any appeal or review.

Section 19, Act XIX of 1841.

Appointment of public curators.

209. The Local Government may appoint public curators for any district or number of districts; and the District Judge having jurisdiction shall nominate such public curator or curators in all cases where the choice of a curator is left discretionary with him under this Part.

PART VI.

REPRESENTATIVE TITLE TO PROPERTY OF DECEASED.

Right to intestate's property.

210. No right to any part of the property of a person who has died intestate can be established in any Court of Justice, unless letters of administration have first been granted by a Court of competent jurisdiction:

Provided that this section shall not apply in the case of the intestacy of a Hindu, Muhammadan, Buddhist, Sikh, Jaina or Indian Christian.

Right as executor or legatee when established.

211. No right as executor or legatee can be established in any Court of Justice, unless a Court of competent jurisdiction in British India has granted probate of the will under which the right is claimed, or has granted letters of administration with the will or with a copy of an authenticated copy of the will annexed:

Provided that this section shall not apply in the case of wills made by Muhammadans, and shall only apply in the case of wills made by any Hindu, Buddhist, Sikh or Jaina where such wills are of the class specified in section 56.

Proof of representative title a condition precedent to recovery through the Courts of debts from debtors of deceased persons.

212. (1) No Court shall—

(a) pass a decree against a debtor of a deceased person for payment of his debt to a person claiming to be entitled to the effects of the deceased person or to any part thereof, or

(b) proceed, upon an application of a person claiming to be so entitled, to execute against such a debtor a decree or order for the payment of his debt,

except on the production, by the person so claiming, of—

(i) a probate or letters of administration evidencing the grant to him of administration to the estate of the deceased, or

(ii) a certificate granted under section 31 or section 32 of the Administrator-General's Act, 1913, and having the debt mentioned therein, or

(iii) a succession certificate granted under Part VIII and having the debt specified therein, or

(iv) a certificate granted under the Succession Certificate Act, 1889, or

(v) a certificate granted under the Regulation of the Bombay Code No. VIII of 1827 and, if granted after the first day of May, 1889, having the debt specified therein.

(2) The word "debt" in sub-section (1) includes any debt except rent, revenue or profits payable in respect of land used for agricultural purposes.

Section 152, Act V of 1881. Section 21, Act VII of 1889. VII of 1889.

Effect on certificate of subsequent probate or letters of administration.

213. (1) A grant of probate or letters of administration, in respect of an estate shall be deemed to supersede any certificate previously granted under Part VIII or under the Succession Certificate Act, 1889, or Bombay Regulation No. VIII of 1827 in respect of any debts or securities included in the estate.

(2) When at the time of the grant of the probate or letters any suit or other proceeding instituted by the holder of any such certificate regarding any such debt or security is pending, the person to whom the grant is made shall, on applying to the Court in which the suit or proceeding is pending, be entitled to take the place of the holder of the certificate in the suit or proceeding :

Provided that, when any certificate is superseded under this section, all payments made to the holder of such certificate in ignorance of such supersession shall be held good against claims under the probate or letters of administration.

PART VII.

PROBATE, LETTERS OF ADMINISTRATION AND ADMINISTRATION OF ASSETS OF DECEASED.

Section 2, Act X of 1865. Sections 2, and 150 Act V of 1881.

Application of Part.

214. Save as otherwise provided by this Act or by any other law for the time being in force, all grants of probate and letters of administration with the will annexed and the administration of the assets of the deceased in cases of testamentary succession shall be made or carried out, as the case may be, in accordance with the provisions of this Part.

CHAPTER I.

OF GRANT OF PROBATE AND LETTERS OF ADMINISTRAITON.

Section 179, Act X of 1865.

Character and property of executor or administrator as such.

215. The executor or administrator, as the case may be, of a deceased person is his legal representative for all purposes, and all the property of the deceased person vests in him as such :

Section 4, Act V of 1881.

Provided that, when the deceased was a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person, nothing herein contained shall vest in an executor or administrator any property of the deceased person which would otherwise have passed by survivorship to some other person.

Section 5, Act V of 1881. Section 180, Act X of 1865.

Administration with copy annexed of authenticated copy of will proved abroad.

216. When a will has been proved and deposited in a Court of competent jurisdiction situated beyond the limits of the Province, whether within or beyond the limits of His Majesty's dominions, and a properly authenticated copy of the will is produced, letters of administration may be granted with a copy of such copy annexed.

Probate only to appointed executor.

217. (1) Probate shall be granted only to an executor appointed by the will.

Section 6, Act V of 1881. Section 181, Act X of 1865. Section 7, Act V of 1881. Section 182, Act X of 1865.

(2) The appointment may be expressed or by necessary implication.

Illustrations.

(a) A wills that C be his executor if B will not, B is appointed executor by implication.

(b) A gives a legacy to B and several legacies to other persons, among the rest to his daughter-in-law C, and adds " but should the within-named C be not living, I do constitute and appoint B my whole and sole executrix. " C is appointed executrix by implication.

(c) A appoints several persons executors of his will and codicils, and his nephew residuary legatee, and in another codicil are these words,—" I appoint my nephew my residuary legatee to discharge all lawful demands against my will and codicils signed of different dates." The nephew is appointed an executor by implication.

Persons to whom probate cannot be granted.

218. Probate cannot be granted to any person who is a minor or is of unsound mind, nor, unless the deceased was a Hindu, Muhammadan, Buddhist, or an exempted person, to a married woman without the previous consent of her husband.

Section 183, Act X of 1865. Section 8, Act V of 1881.

Grant of probate to several executors simultaneously or at different times.

219. When several executors are appointed, probate may be granted to them all simultaneously or at different times.

Section 9, Act V of 1881. Section 184, Act X of 1865.

Illustration.

A is an executor of B's will by express appointment and C an executor of it by implication. Probate may be granted to A and C at the same time or to A first and then to C, or to C first and then to A.

Separate probate of codicil discovered after grant of probate.

220. (1) If a codicil is discovered after the granted probate, a separate probate of that codicil may be granted to the executor, if it in no way repeals the appointment of executors made by the will.

Section 10, Act V of 1881. Section 185, Act X of 1865.

(2) If different executors are appointed by the codicil, the probate of the will shall be revoked, and a new probate granted of the will and the codicil together.

Accrual of representation to surviving executor.

221. When probate has been granted to several executors, and one of them dies, the entire representation of the testator accrues to the surviving executor or executors.

Section 11, Act V of 1881. Section 186, Act X of 1865.

Effect of probate.

222. Probate of a will when granted establishes the will from the death of the testator, and renders valid all intermediate acts of the executor as such.

Section 12, Act V of 1881. Section 188, Act X of 1865.

To whom administration may not be granted.

223. Letters of administration cannot be granted to any person who is a minor or is of unsound mind nor, unless the deceased was as Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person, to a married woman without the previous consent of her husband.

Section 13, Act V of 1881. Section 189, Act X of 1865.

Section 14, Act V of 1881. Section 191, Act X of 1865.

Effect of letters of administration.

224. Letters of administration entitle the administrator to all rights belonging to the intestate as effectually as if the administration had been granted at the moment after his death.

Section 15, Act V of 1881. Section 192, Act X of 1865.

Acts not validated by administration.

225. Letters of administration do not render valid any intermediate acts of the administrator tending to the diminution or damage of the intestate's estate.

Section 16, Act V of 1881, Section 193, Act X of 1865.

Grant of administration where executor has not renounced.

226. When a person appointed an executor has not renounced the executorship, letters of administration shall not be granted to any other person until a citation has been issued, calling upon the executor to accept or renounce his executorship :

Provided that, when one or more of several executors have proved a will, the Court may, on the death of the survivor of those who have proved, grant letters of administration without citing those who have not proved.

Section 17, Act V of 1881. Section 194, Act X of 1865.

Form and effect of renunciation of executorship.

227. The renunciation may be made orally in the presence of the Judge, or by a writing signed by the person renouncing, and when made shall preclude him from ever thereafter applying for probate of the will appointing him executor.

Section 18, Act V of 1881. Section 195, Act X of 1865.

Procedure where executor renounces or fails to accept within time limited.

228. If an executor renounces, or fails to accept an executorship within the time limited for the acceptance or refusal thereof, the will may be proved and letters of administration with a copy of the will annexed may be granted to the person who would be entitled to administration in case of intestacy.

Section 19, Act V of 1881. Section 196, Act X of 1865.

Grant of administration to universal residuary legatees.

229. When—

(*a*) the deceased has made a will, but has not appointed an executor, or

(*b*) he has appointed an executor who is legally incapable or refuses to act, or who has died before the testator or before he has proved the will, or

(*c*) the executor dies after having proved the will, but before he has administered all the estate of the deceased ;

an universal or a residuary legatee may be admitted to prove the will, and letters of administration with the will annexed may be granted to him of the whole estate, or of so much thereof as may be unadministered.

Section 20, Act V of 1881. Section 197, Act X of 1865.

Right to administration of representative of deceased residuary legatee.

230. When a residuary legatee who has a beneficial interest survives the testator, but dies before the estate has been fully administered, his representative has the same right to administration with the will annexed as such residuary legatee.

Grant of administration where no executor, nor residuary legatee nor representative of such legatee.

231. When there is no executor and no residuary legatee or representative of a residuary legatee, or he declines or is incapable to act, or cannot be found, the person or persons who would be entitled to the administration of the estate of the deceased if he had died intestate, or any other legatee having a beneficial interest, or a creditor, may be admitted to prove the will, and letters of administration may be granted to him or them accordingly.

Citation before grant of administration to legatee other than universal or residuary.

232. Letters of administration with the will annexed shall not be granted to any legatee other than an universal or a residuary legatee, until a citation has been issued and published in the manner hereinafter mentioned, calling on the next-of-kin to accept or refuse letters of administration.

To whom administration may be granted, where deceased is a Hindu, Muhammadan, Buddhist or exempted person.

233. (*1*) If the deceased has died intestate and was a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person, administration of his estate may be granted to any person who, according to the rules for the distribution of the estate applicable in the case of such deceased, would be entitled to the whole or any part of such deceased's estate.

(*2*) When several such persons apply for such administration, it shall be in the discretion of the Court to grant it to any one or more of them.

(*3*) When no such person applies, it may be granted to a creditor of the deceased.

Where deceased is not a Hindu, Muhammadan, Buddhist or exempted person.

234. If the deceased has died intestate and was not a person belonging to any of the classes referred to in section 233, those who are connected with him, either by marriage or by consanguinity, are entitled to obtain letters of administration of his estate and effects in the order and according to the rules hereinafter stated, namely :—

(1) If the deceased has left a widow, administration shall be granted to the widow, unless the Court sees cause to exclude her, either on the ground of some personal disqualification, or because she has no interest in the estate of the deceased.

Illustrations.

(*a*) The widow is a lunatic or has committed adultery or has been barred by her marriage settlement of all interest in her husband's estate. There is cause for excluding her from the administration.

(*b*) The widow has married again since the decease of her husband. This is not good cause for her exclusion.

Section 202, Act X of 1865.

(2) If the Judge thinks proper, he may associate any person or persons with the widow in the administration who would be entitled solely to the administration if there were no widow.

Section 203, Act X of 1865.

(3) If there is no widow, or if the Court sees cause to exclude the widow, it shall commit the administration to the person or persons who would be beneficially entitled to the estate according to the rules for the distribution of an intestate's estate :

Provided that, when the mother of the deceased is one of the class of persons so entitled, she shall be solely entitled to administration.

Section 204, Act X of 1865.

(4) Those who stand in equal degree of kindred to the deceased are equally entitled to administration.

Section 205, Act X of 1865.

(5) The husband surviving his wife has the same right of administration of her estate as the widow has in respect of the estate of her husband.

Section 206, Act X of 1865.

(6) When there is no person connected with the deceased by marriage or consanguinity who is entitled to letters of administration and willing to act, they may be granted to a creditor.

Section 207, Act X of 1865.

(7) Where the deceased has left property in British India, letters of administration shall be granted according to the foregoing rules, notwithstanding that he had his domicile in a country in which the law relating to testate and intestate succession differs from the law of British India.

CHAPTER II.

OF LIMITED GRANTS.

Grants limited in duration.

Section 208, Act X of 1865. Section 24, Act V of 1881.

Probate of copy or draft of lost will.

235. When a will has been lost or mislaid since the testator's death, or has been destroyed by wrong or accident and not by any act of the testator, and a copy of the draft of the will has been preserved, probate may be granted of such copy or draft limited until the original or a properly authenticated copy of it is produced.

Section 209, Act X of 1865. Section 25, Act V of 1881.

Probate of contents of lost or destroyed will.

236. When a will has been lost or destroyed and no copy has been made nor the draft preserved, probate may be granted of its contents if they can be established by evidence.

Section 210, Act X of 1865. Section 26, Act V of 1881.

Probate of copy where original exists.

237. When the will is in the possession of a person residing out of the province in which application for probate is made, who has refused or neglected to deliver it up, but a copy has been transmitted to the executor, and it is necessary for the interests of the estate that probate should be granted without waiting for the arrival of the original, probate may be granted of the copy so transmitted, limited until the will or an authenticated copy of it is produced.

Administration until will produced.

238. Where no will of the deceased is forthcoming, but there is reason to believe that there is a will in existence, letters of administration may be granted, limited until the will or an authenticated copy of it is produced.

Section 211, Act X of 1865. Section 27, Act V of 1881.

Grants for the use and benefit of others having right.

Administration, with will annexed, to attorney of absent executor.

239. When any executor is absent from the province in which application is made, and there is no executor within the province willing to act, letters of administration, with the will annexed, may be granted to the attorney or agent of the absent executor, for the use and benefit of his principal, limited until he shall obtain probate or letters of administration granted to himself.

Section 212, Act X of 1865. Section 28, Act V of 1881.

Administration with will annexed to attorney of absent person who, if present, would be entitled to administer.

240. When any person to whom, if present, letters of administration, with the will annexed, might be granted, is absent from the province, letters of administration, with the will annexed, may be granted to his attorney or agent limited as mentioned in section 239.

Section 213, Act X of 1865. Section 29, Act V of 1881.

Administration to attorney of absent person entitled to administer in case of intestacy.

241. When a person entitled to administration in case of intestacy is absent from the province, and no person equally entitled is willing to act, letters of administration may be granted to the attorney or agent of the absent person, limited as mentioned in section 239.

Section 214, Act X of 1865. Section 30, Act V of 1881.

Administration during minority of sole executor or residuary legatee.

242. When a minor is sole executor or sole residuary legatee, letters of administration, with the will annexed, may be granted to the legal guardian of such minor or to such other person as the Court may think fit until the minor has attained his majority at which period, and not before, probate of the will shall be granted to him.

Section 215, Act X of 1865. Section 31, Act V of 1881.

Administration during minority of several executors or residuary legatees.

243. When there are two or more minor executors and no executor who has attained majority, or two or more residuary legatees and no residuary legatee who has attained majority, the grant shall be limited until one of them shall have completed the age of eighteen years.

Section 216, Act X of 1865. Section 32, Act V of 1881.

Administration for use and benefit of lunatic or minor.

244. If a sole executor or a sole universal or residuary legatee, or a person who would be solely entitled to the estate of the intestate according to the rule for the distribution of intestates' estates applicable in the case of the deceased, is a minor or lunatic, letters of administration, with or without the will annexed, as the case may be, shall be granted to the person to whom the care of his estate has

Section 217, Act X of 1865. Section 33, Act V of 1881.

been committed by competent authority, or, if there is no such person, to such other person as the Court may think fit to appoint, for the use and benefit of the minor or lunatic until he attains majority or becomes of sound mind, as the case may be.

Section 218, Act X of 1865. Section 34, Act V of 1881.

Administration pendente lite.

245. Pending any suit touching the validity of the will of a deceased person or for obtaining or revoking any probate or any grant of letters of administration, the Court may appoint an administrator of the estate of such deceased person, who shall have all the rights and powers of a general administrator, other than the right of distributing such estate, and every such administrator shall be subject to the immediate control of the Court and shall act under its direction.

Grants for special purposes.

Section 219, Act X of 1865. Section 35, Act V of 1881.

Probate limited to purpose specified in will.

246. If an executor is appointed for any limited purpose specified in the will, the probate shall be limited to that purpose, and if he should appoint an attorney or agent to take administration on his behalf, the letters of administration, with the will annexed, shall be limited accordingly.

Section 220, Act X of 1865. Section 36, Act V of 1881.

Administration, with will annexed, limited to particular purpose.

247. If an executor appointed generally gives an authority to an attorney or agent to prove a will on his behalf, and the authority is limited to a particular purpose, the letters of administration, with the will annexed, shall be limited accordingly.

Section 221, Act X of 1865. Section 37, Act V of 1881.

Administration limited to property in which person has beneficial interest.

248. Where a person dies, leaving property of which he was the sole or surviving trustee, or in which he had no beneficial interest on his own account, and leaves no general representative, or one who is unable or unwilling to act as such, letters of administration, limited to such property, may be granted to the beneficiary, or to some other person on his behalf.

Section 222, Act X of 1865. Section 38 Act V of 1881.

Administration limited to suit.

249. When it is necessary that the representative of a person deceased be made a party to a pending suit, and the executor or person entitled to administration is unable or unwilling to act, letters of administration may be granted to the nominee of a party in such suit, limited for the purpose of representing the deceased in the said suit, or in any other cause or suit which may be commenced in the same or in any other Court between the parties, or any other parties, touching the matters at issue in the said cause or suit, and until a final decree shall be made therein and carried into complete execution.

Section 223, Act X of 1865. Section 39, Act V of 1881.

Administration limited to purpose of becoming party to suit to be brought against administrator.

250. If, at the expiration of twelve months from the date of any probate or letters of administration, the executor or administrator to whom the same has been granted is absent from the province within which the Court which has granted the probate or letters of administration exercises jurisdiction, it shall be lawful for such Court to grant, to any person whom it may think fit, letters of administration limited to the purpose of becoming and being made a party to a suit to be brought against the executor or administrator, and carrying the decree which may be made therein into effect.

Administration limited to collection and preservation of deceased's property.

251. In any case in which it appears necessary for preserving the property of a deceased person, the Court within whose jurisdiction any of the property is situate may grant to any person, whom such Court may think fit, letters of administration limited to the collection and preservation of the property of the deceased and to the giving of discharges for debts due to his estate, subject to the directions of the Court.

Appointment, as administrator, of person other than one who, under ordinary circumstances, would be entitled to administration.

252. (*1*) When a person has died intestate, or leaving a will of which there is no executor willing and competent to act, or where the executor is, at the time of the death of such person, resident out of the province, and it appears to the Court to be necessary or convenient to appoint some person to administer the estate or any part thereof, other than the person who, under ordinary circumstances, would be entitled to a grant of administration, the Court may, in its discretion, having regard to consanguinity, amount of interest, the safety of the estate and probability that it will be properly administered, appoint such person as it thinks fit to be administrator.

(2) In every such case letters of administraction may be limited or not as the Court thinks fit.

Grants with exception.

Probate or administration, with will annexed, subject to exception.

253. Whenever the nature of the case requires that an exception be made, probate of a will, or letters of administration with the will annexed, shall be granted subject to such exception.

Administration with exception.

254. Whenever the nature of the case requires that an exception be made, letters of administration shall be granted subject to such exception.

Grants of the rest.

Probate or administration of rest.

255. Whenever a grant with exception of probate, or of letters of administration with or without the will annexed, has been made, the person entitled to probate or administration of the remainder of the deceased's estate may take a grant of probate or letters of administration, as the case may be, of the rest of the deceased's estate.

Grant of effects unadministered.

Section 229, Act X of 1865. Section 45, Act V of 1881.

Grant of effects unadministered.

256. If an executor to whom probate has been granted has died, leaving a part of the testator's estate unadministered, a new representative may be appointed for the purpose of administering such part of the estate.

Section 230, Act X of 1865. Section 46, Act V of 1881.

Rules as to grants of effects unadministered.

257 In granting letters of administration of an estate not fully administered, the Court shall be guided by the same rules as apply to original grants, and shall grant letters of administration to those persons only to whom original grants might have been made.

Section 231, Act X of 1865. Section 47, Act V of 1881.

Administration when limited grant expired and still some part of estate unadministered.

258. When a limited grant has expired by efflux of time, or the happening of the event or contingency on which it was limited, and there is still some part of the deceased's estate unadministered, letters of administration shall be granted to those persons to whom original grants might have been made.

Alteration in Grants.

Section 32, Act X of 1865. Section 48, Act V of 1881.

What errors may be rectified by Court.

259. Errors in names and descriptions, or in setting forth the time and place of the deceased's death, or the purpose in a limited grant, may be rectified by the Court, and the grant of probate or letters of administration may be altered and amended accordingly.

Section 233, Act X of 1865. Section 49, Act V of 1881.

Procedure where codicil discovered after grant of administration with will annexed.

260. If, after the grant of letters of administration with the will annexed, a codicil is discovered, it may be added to the grant on due proof and identification, and the grant may be altered and amended accordingly.

Revocation of Grants.

Section 234, Act X of 1865. Section 50, Act V of 1881.

Revocation or annulment for just cause.

261. The grant of probate or letters of administration may be revoked or annulled for just cause.

Explanation.—Just cause shall be deemed to exist where—

(*a*) the proceedings to obtain the grant were defective in substance; or

(*b*) the grant was obtained fraudulently by making a false suggestion, or by concealing from the Court something material to the case; or

(*c*) the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though such allegation was made in ignorance or inadvertently; or

(*d*) the grant has become useless and inoperative through circumstances; or

(*e*) the person to whom the grant was made has wilfully and without reasonable cause omitted to exhibit an inventory or account in accordance with the provisions of Chapter VI of this Part, or has exhibited under that Chapter an inventory or account which is untrue in a material respect.

Sections 2 and 11, Act VI of 1889.

Illustrations.

(*a*) The Court by which the grant was made had no jurisdiction.

(*b*) The grant was made without citing parties who ought to have been cited.

(*c*) The will of which probate was obtained was forged or revoked.

(*d*) A obtained letters of administration to the estate of B, as his widow, but it has since transpired that she was never married to him.

(*e*) A has taken administration to the estate of B as if he had died intestate, but a will has since been discovered.

(*f*) Since probate was granted, a later will has been discovered.

(*g*) Since probate was granted, a codicil has been discovered which revokes or adds to the appointment of executors under the will.

(*h*) The persons to whom probate was, or letters of administration were, granted has subsequently become of unsound mind.

CHAPTER III.

OF THE PRACTICE IN GRANTING AND REVOKING PROBATES AND LETTERS OF ADMINISTRATION.

Jurisdiction of District Judge in granting and revoking probates, etc.

262. The District Judge shall have jurisdiction in granting and revoking probates and letters of administration in all cases within his district:

Section 235, Act X of 1865. Section 51, Act V of 1881.

Provided that, except in cases to which section 57 applies, no Court in any local area beyond the limits of the towns of Calcutta, Madras and Bombay, and the province of Burma, shall, when the deceased is a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person, receive applications for probate or letters of administration until the Local Government has, by a notification in the local official Gazette, authorised it so to do.

Section 2, Act V of 1881. Section 2, Schedule I, Act XXXVIII of 1920.

Power to appoint Delegate of District Judge to deal with non-contentious cases.

263. (*1*) The High Court may appoint such judicial officers within any district as it thinks fit to act for the District Judge as Delegates to grant probate and letters of administration in non-contentious cases, within such local limits as it may, from time to time prescribe:

Section 235-A, Act X of 1865. Section 52, Act V of 1881. Section 2, Act VI of 1881.

Provided that, in the case of High Courts not established by Royal Charter, such appointment shall not be without the previous sanction of the Local Government.

(*2*) Persons so appointed shall be called "District Delegates."

tion 3, Act X 1865. tion , Act V 1881.

District Judge's powers as to grant of probate and administration.

264. The District Judge shall have the like powers and authority in relation to the granting of probate and letters of administration, and all matters connected therewith, as are by law vested in him in relation to any civil suit or proceeding pending in his Court.

ection 7, Act of 1865. ection , Act V 1881.

District Judge may order person to produce testamentary papers.

265. (*1*) The District Judge may order any person to produce and bring into Court any paper or writing, being or purporting to be testamentary, which may be shown to be in the possession or under the control of such person.

(*2*) If it is not shown that any such paper or writing is in the possession or under the control of such person, but there is reason to believe that he has the knowlege of any such paper or writing, the Court may direct such person to attend for the purpose of being examined respecting the same.

(*3*) Such person shall be bound to answer such questions as may be put to him by the Court, and, if so ordered, to produce and bring in such paper or writing, and shall be subject to the like punishment under the Indian Penal Code, in case of default in not attending or in not answering such questions or not bringing in such paper or writing, as he would have been subject to in case he had been a party to a suit and had made such default.

XLV of 1860.

(*4*) The costs of the proceeding shall be in the discretion of the Judge.

Section 238, Act X of 1865. Section 55, Act V of 1881.

Proceedings of District Judge's Court in relation to probate and administration.

266. The proceedings of the Court of the District Judge in relation to the granting of probate and letters of administration shall, save as hereinafter otherwise provided, be regulated, so far as circumstances of the case permit, by the Code of Civil Procedpre, 1908.

of 1908.

Section 239, Act X of 1865. Section 3, Act VII of 1901.

When and how District Judge to interfere for protection of property.

267. (*1*) Until probate is granted of the will of a deceased person, or an administrator of his estate is constituted, the District Judge within whose jurisdiction any part of the property of the deceased person is situate, is authorised and required to interfere for the protection of such property at the instance of any person claiming to be interested therein, and in all other cases where the Judge considers that the property incurs any risk of loss or damage; and for that purpose, if he thinks fit, to appoint an officer to take and keep possession of the property.

(*2*) This section shall not apply when the deceased is a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person, nor shall it apply to any part of the property of an Indian Christian who has died intestate.

Section 240, Act X of 1865. Section 56, Act V of 1881.

When probate or administration may be granted by District Judge.

268. Probate of the will or letters of administration to the estate of a deceased person may be granted by a District Judge under the seal of his Court, if it appears by a petition, verified as hereinafter provided, of the person applying for the same that the testator or intestate, as the case may be, at the time of his decease had a fixed place of abode, or any property, moveable or immoveable, with the jurisdiction of the Judge.

Disposal of application made to Judge of district in which deceased had no fixed abode.

269. When the application is made to the Judge of a district in which the deceased had no fixed abode at the time of his death, it shall be in the discretion of the Judge to refuse the application, if in his judgment it could be disposed of more justly or conveniently in another district, or, where the application is for letters of administration, to grant them absolutely, or limited to the property within his own jurisdiction.

Section Act X of 1865. Section Act V 1881.

Probate and letters of administration may be granted by Delegate.

270. Probate and letters of administration may, upon application for that purpose to any District Delegate, be granted by him in any case in which there is no contention, if it appears by petition, verified as hereinafter provided, that the testator or intestate, as the case may be, at the time of his death resided within the jurisdiction of such Delegate.

Section A, Act X 1865. Section Act V of 1881. Section Act VI of 1881.

Conclusiveness of probate or letters of administration.

271. Probate or letters of administration shall have effect over all the property and estate, moveable or immoveable, of the deceased, throughout the province in which the same is or are granted, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property which belongs to him, and shall afford full indemnity to all debtors, paying their debts and all persons delivering up such property to the persons to whom such probate or letters of administration have been granted :

Section Act X of 1865. Section Act V of 1881. Act XII 1891.

Provided that probates and letters of administration granted—

Sections and 3 (Act VIII 1903.

(*a*) by a Hight Court, or

(*b*) by a District Judge, where the deceased at the time of his death had his fixed place of abode situate within jurisdiction of such Judge, and such Judge certifies that the value of the property and estate affected beyond the limits of the province does not exceed ten thousand rupees,

shall unless otherwise directed by the grant, have like effect throughout the whole of British India.

Transmission to High Courts of certificate of grants under proviso to section 271.

272. (*1*) Where probate or letters of administration has or have been granted by a High Court or District Judge with the effect referred to in the proviso to section 271, the High Court or District Judge shall send a certificate thereof to the following Courts, namely :—

Section 242-A, Act X of 1865. Section 60, Act V of 1881. Sections and 3 (Act VIII of 1903.

(*a*) When the grant has been made by a High Court, to each of the other High Courts ;

(*b*) When the grant has been made by a District Judge, to the High Court to which such District Judge is subordinate and to each of the other High Courts.

(2) Every certificate referred to in sub-section (*1*) shall be to the following effect, namely :—

"I, *A. B.*, Registrar (*or* as the case may be) of the High Court of judicature at (*or* as the case may be), hereby certify that on the day of , the High Court of Judicature at (*or* as the case may be) granted probate of the will (*or* letters of administration of the estate) of *C. D.*, late of , deceased, to *E. F.* of and *G. H.* of , and that such probate (*or* letters) has (*or* have) effect over all the property of the deceased throughout the whole of British India,"

and such certificate shall be filed by the High Court receiving the same.

(*3*) Where any portion of the assets has been stated by the petitioner, as hereinafter provided in sections 274 and 276, to be situate within the jurisdiction of a District Judge in another province, the Court required to send the certificate referred to in sub-section (*1*) shall send a copy thereof to such District Judge, and such copy shall be filed by the District Judge receiving the same.

Section 243, Act X of 1865. Section 61, Act V of 1881.

Conclusiveness of application for probate or administration of property made and verified.

273. The application for probate or letters of administration, if made and verified in the manner hereinafter provided, shall be conclusive for the purpose of authorising the grant of probate or administration; and no such grant shall be impeached by reason only that the testator or intestate had no fixed place of abode or no property within the district at the time of his death, unless by a proceeding to revoke the grant if obtained by a fraud upon the Court.

Section 244, Act X of 1865. Section 62, Act V of 1881.

Petition for probate.

274. (*1*) Application for probate or for letters of administration with the will annexed, shall be made by a petition distinctly written in English or in the language in ordinary use in proceedings before the Court in which the application is made, with the will or in the case mentioned in sections 235, 236 and 237, a copy, draft, or statement of the contents thereof, annexed, and stating—

(*a*) the time of the testator's death,

(*b*) that the writing annexed is his last will and testament,

(*c*) that it was duly executed,

Section 3, Act VI of 1889.

(*d*) the amount of assets which are likely to come to the petitioner's hands, and

(*e*) when the application is for probate that the petitioner is the executor named in the will.

(*2*) In addition to these particulars, the petition shall further state,—

(*a*) when the application is to the District Judge, that the deceased at the time of his death had his fixed place of abode, or had some property, situate within the jurisdiction of the Judge; and

Section 4, Act VI of 1881.

(*b*) when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.

Sections 2 (*4*) and 3 (*3*), Act VIII of 1903.

(*3*) Where the application is to the District Judge or any portion of the assets likely to come to the petitioner's hands is situate in another province, the petition shall further state the amount of such assets in each province and the District Judges within whose jurisdiction such assets are situate.

Section 245, Act X of 1865. Section 63, Act V of 1881.

In what cases translation of will to be annexed to petition. Verification of translation by person other than Court translator.

275. In cases wherein the will, copy or draft is written in any language other than English or than that in ordinary use in proceedings before the Court, there shall be a translation thereof annexed to the petition by a translator of the Court, if the language be one for which a translator is appointed; or, if the will, copy or draft is in any other language, then by any person competent to translate the same, in which case such translation shall be verified by that person in the following manner, namely :—

"I, (A. B.) do declare that I read and perfectly understand the language and character of the original, and that the above is a true and accurate translation thereof."

Section 246, Act X of 1865. Section 64, Act V of 1881.

Petition for letters of administration.

276. (*1*) Application for letters of administration shall be made by petition distinctly written as aforesaid and stating—

(*a*) the time and place of the deceases death,

(*b*) the family or other relatives of the deceased, and their respective residences,

(*c*) the right in which the petitioner claims,

(*d*) the amount of assests which are likely to come to the petitioner's hands.

Section 9, Act VI of 1881.

(*e*) that the deceased left some property within the jurisdiction of the District Judge or District Delegate to whom the application is made, and

Section 4, Act VI of 1881.

(*f*) when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.

Sections 2 (*4*) and 3 (*3*), Act VIII of 1903.

(*2*) When the application is to the District Judge and any portion of the assets likely to come to the petitioner's hands is situate in another province, the petition shall further state the amount of such assets in each province and the District Judges within whose jurisdiction such assets are situate.

tion 243-A. X of 65. Section 65, V of 81. Section 2, Act VIII 1903.

Addition to statement in petition, etc., probate or letters of administration in certain cases.

277. (*1*) Every person applying to any of the Courts mentioned in the proviso to section 271 for probate of a will or letters of administration of an estate intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by section 274 and section 276, that to the best of his belief no application has been made to any other Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid,

or, where any such application has been made, the Court to which it was made, the person or persons by whom it was made and proceedings (if any) had thereon

(*2*) The Court to which any application is made under the proviso to section 271, may, if it thinks fit, reject the same.

Section 247. X of 65. Section 66, V of 881.

(*3*) The petition for probate or letters of administration shall in all cases be subscribed by the petitioner and his pleader, if any, and shall be verified by the petitioner in the following manner, namely :—

I (" A. B.), the petitioner in the above petition, declare that what is stated therein is true to the best of my information and belief."

Section 248, ct X of 865. Section 67, ct V of 881.

Verification of petition for probate, by one witness to will.

278. Where the application is for probate, the petition shall also be verified by at least one of the witnesses to the will (when procurable) in the manner or to the effect following, namely :—

" I (C. D.), one of the witnesses to the last will and testament of the testator mentioned in the above petition, declare that I was present and saw the said testator affix his signature (*or* mark) thereto (*or* that the said testator acknowledged the writing annexed to the above petition to be his last will and testament in my presence)."

249, of ... ction 68, t V of 81. ... V of 60.

Punishment for false averment in petition or declaration.

279. If any petition or declaration which is hereby required to be verified contains any averment which the person making the verification knows or believes to be false, such person shall be deemed to have committed an offence under section 193 of the Indian Penal Code.

tion 250, t X of 65. tion 69, t V of 81. tion 9, VI of 81.

Powers of District Judge.

280. (*1*) In all cases it shall be lawful for the District Judge or District Delegate, if he thinks proper,—

(*a*) to examine the petitioner in person, upon oath;

(*b*) to require further evidence of the due execution of the will or the right of the petitioner to the letters of administration, as the case may be ;

(*c*) to issue citations calling upon all persons claiming to have any interest in the estate of the deceased to come and see the proceedings before the grant of probate or letters of administration.

(*2*) The citation shall be fixed up in some conspicuous part of the court-house, and also in the office of the Collector of the district and otherwise published or made known in such manner as the Judge or District Delegate issuing the same may direct.

(*3*) Where any portion of the assets has been stated by the petitioner to be situate within the jurisdiction of a District Judge in another province, the District Judge issuing the same shall cause a copy of the citation to be sent to such other District Judge, who shall publish the same in the same manner as if it were a citation issued by himself, and shall certify such publication to the District Judge who issued the citation. Sections ... and 3 (4) Act VIII 1903.

Caveats against grant of probate or administration.

281. (*1*) Caveats against the grant of probate or administration may be lodged with the District Judge or a District Delegate. Section ... Act X of ... Section 70 Act V of ... Section 5, VI of 18...

(*2*) Immediately on any caveat being lodged with any District Delegate, he shall send a copy thereof to the District Judge.

(*3*) Immediately on a caveat being entered with the District Judge, a copy thereof shall be given to the District Delegate, if any, within whose jurisdiction it is alleged the deceased resided at the time of his death, and to any other Judge or District Delegate to whom it may appear to the District Judge expedient to transmit the same.

Form of caveat.

282. The caveat shall be to the following effect :— Section ... Act X of ... Section ... Act V of ...

" Let nothing be done in the matter of the estate of A. B., late of , deceased, who died on the day of at , without notice to C. *D.* of "

After entry of caveat, no proceeding taken on petition until after notice to caveator.

283. No proceeding shall be taken on a petition for probate or letters of administration after a caveat against the grant thereof has been entered with the Judge or officer to whom the application has been made or notice has been given of its entry with some other Delegate, until after such notice to the person by whom the same has been entered as the Court may think reasonable. Section ... Act X ... Section ... Act V ... Section ... VI of ...

District Delegate when not to grant probate or administration.

284. A District Delegate shall not grant probate or letters of administration in any case in which there is contention as to the grant, or in which it otherwise appears to him that probate or letters of administration ought not to be granted in his Court. Section ... A, Act ... 1865. Section ... Act V ... 1881. Section ... Act VI 1881.

Explanations.—" Contention " means the appearance of any one in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf, to oppose the proceeding.

Section 253-B, Act X of 1865. Section 74, Act V of 1881. Section 7, Act VI of 1881.

285. In every case in which there is no contention, but it appears to the District Delegate doubtful whether the probate or letters of administration should or should not be granted, or when any question arises in relation to the grant, or application for the grant, of any probate or letters of administration, the District Delegate may, if he thinks proper, transmit a statement of the matter in question to the District Judge, who may direct the District Delegate to proceed in the matter of the application, according to such instructions as to the Judge may seem necessary, or may forbid any further proceeding by the District Delegate in relation to the matter of such application, leaving the party applying for the grant in question to make application to the Judge.

Power to transmit statement to District Judge in doubtful cases where no contention.

Section 253-C, Act X of 1865. Section 75, Act V of 1881. Section 7, Act VI of 1881.

286. In every case in which there is contention, or the District Delegate is of opinion that the probate or letters of administration should be refused in his Court, the petition, with any documents which may have been filed therewith, shall be returned to the person by whom the application was made, in order that the same may be presented to the District Judge; unless the District Delegate thinks it necessary, for the purposes of justice, to impound the same, which he is hereby authorised to do; and, in that case, the same shall be sent by him to the District Judge.

Procedure where there is contention, or District Delegate thinks probate or letters of administration should be refused in his Court.

Section 254, Act X of 1865. Section 76, Act V of 1881. Sections 8 and 9, Act VI of 1881.

287. When it appears to the District Judge or District Delegate that probate of a will should be granted, he shall grant the same under the seal of this Court in manner following, namely :—

Grant of probate to be under seal of Court.

Sections 4 and 12, Act VI of 1889.

"I, , Judge of the District of , [*or* Delegate appointed for granting probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*)], hereby make known that on the day of in the year , the last will of , late of , a copy whereof is hereunto annexed, was proved and registered before me, and that administration of the property and credits of the said deceased, and in any way concerning his will was granted to , the executor in the said will named, he having undertaken to administer the same, and to make a full and true inventory of the said property and credits and exhibit the same in this Court within six months from the date of this grant or within such further time as the Court may, from time to time appoint, and also to render to this Court a true account of the said property and credits within one year from the same date, or within such further time as the Court may, from time to time, appoint.

Section 255, Act X of 1865. Section 77, Act V of 1881. Section 8, Act VI of 1881.

288. When it appears to the District Judge or District Delegate that letters of administration to the estate of a person deceased, with or without a copy of the will annexed, should be granted, he shall grant the same under the seal of his Court in manner following, namely :—

Grant of letters of administration to be under seal of Court.

Section 9, Act VI of 1881. Sections 5 and 13, Act VI of 1889.

"I, , Judge of the District of [*or* Delegate appointed for granting probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*)], hereby make known that on the day of letters of administration (with or without the will annexed, as the case may be), of the property and credits of , late of , deceased, were granted to , the father (*or* as the case may be), of the deceased, he having undertaken to administer the same and to make a full and true inventory of the said property and credits and exhibit the same in this Court within six months from the date of this grant or within such further time as the Court may, from time to time appoint, and also to render to this Court a true account of the said property and credits within one year from the same date, or within such further time as the Court may, from time to time, appoint."

Section 256, Act X of 1865. Section 78, Act V of 1881. Section 6, Act VI of 1889.

289. (*1*) Every person to whom any grant of letters of administration, other than a grant under section 239, is committed, shall give a bond to the District Judge with one or more surety or sureties, engaging for the due collection, getting in, and administering the estate of the deceased, which bond shall be in such form as the Judge may, by general or special order, direct :

Administration-bond.

Section 78, Act V of 1881.

Provided that, when the deceased was a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person, the exception made by this section in respect of a grant under section 239 shall not operate.

(2) The District Judge may demand a like bond from any person to whom probate is granted.

Section 257, Act X of 1865. Section 79, Act V of 1881.

290. The Court may, on application made by petition and on being satisfied that the engagement of any such bond has not been kept, and upon such term as to security, or providing that the money received be paid into Court, or otherwise, as the Court may think fit, assign the same to some person, his executors or administrators, who shall thereupon be entitled to sue on the said bond in his or their own name or names as if the same had been originally given to him or them instead of to the Judge of the Court, and shall be entitled to recover thereon, as trustees for all persons interested, the full amount recoverable in respect of any breach thereof.

Assignment of administration-bond.

Section 258, Act X of 1865. Section 80, Act V of 1881.

291. No probate of a will shall be granted until after the expiration of seven clear days, and no letters of administration shall be granted until after the expiration of fourteen clear days from the day of the testator or intestate's death.

Time for grant of probate and administration.

Section 259, Act X of 1865. Section 81, Act V of 1881.

Filling of original wills of which probate or administration with will annexed granted.

292. (*1*) Every District Judge, or District Delegate, shall file and preserve all original wills, of which probate or letters of administration with the will annexed may be granted by him, among the records of his Court, until some public registry for wills is established.

(*2*) The Local Government shall make regulations for the preservation and inspection of the wills so filed as aforesaid.

Section 260, Act X of 1865. Section 82, Act V of 1881.

Grantee of probate or administration alone to sue, etc., until same revoked.

293. After any grant of probate or letters of administration, no other than the person to whom the same may have been granted shall have power to sue or prosecute any suit, or otherwies act as representative of the deceased, throughout the province in which the same may have been granted, until such probate or letters of administration has or have been recalled or revoked.

Section 261, Act X of 1865. Section 83, Act V of 1881. V of 1908.

Procedure in contentions cases.

294. In any case before the District Judge in which there is contention, the proceedings shall take, as nearly as may be, the form of a regular suit according to the provisions of the Code of Civil Procedure, 1908, in which the petitioner for probate or letters of administration, as the case may be, shall be the plaintiff, and the person who may have appeared as aforesaid to oppose the grant shall be the defendant.

Section 333, Act X of 1865. Section 157, Act V of 1881. Sections 10 and 17, Act VI of 1889.

Surrender of revoked probate or letters of administration.

295. (*1*) When a grant of probate or letters of administration is revoked or annulled under this Act, the person to whom the grant was made shall forthwith deliver up the probate or letters to the Court which made the grant.

(*2*) If such person wilfully and without reasonable cause omits so to deliver up the probate or letters, he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to three months, or with both.

Section 262, Act X of 1865. Section 84, Act V of 1881.

Payment to executor or administrator before probate or administration revoked.

296. Where any probate is or letters of administration are revoked, all payments *bonâ fide* made to any executor or administrator under such probate or administration before the revocation thereof shall notwithstanding such revocation be a legal discharge to the person making the same; and the executor or administrator who has acted under any such revoked probate or administration may retain and reimburse himself in respect of any payments made by him which the person to whom probate or letters of administration may afterwards be granted might have lawfully made.

Section 85, Act V of 1881.

Power to refuse letters of administration.

297. Notwithstanding anything hereinbefore contained, it shall, where the deceased was a Muhammadan, Buddhist or exempted person, or a Hindu, Sikh or Jaina to whom section 56 does not apply, be in the discretion of the Court to make an order refusing, for reasons to be recorded by it in writing, to grant any application for letters of administration made under this Act.

Appeals from orders of District Judge.

298. Every order made by a District Judge by virtue of the powers hereby conferred upon him shall be subject to appeal to the High Court in accordance with the provisions of the Code of Civil Procedure, 1908, applicable to appeals.

Concurrent jurisdiction of High Court.

299. The High Court shall have concurrent jurisdiction with the District Judge in the exercise of all the powers hereby conferred upon the District Judge:

Provided that, except in cases to which section 56 applies, no Court in any local area beyond the limits of the towns of Calcutta, Madras and Bombay, and the province of Burma, shall, where the deceased is a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person, receive applications for probate or letters of administration until the Local Government has, by a notification in the local official Gazette, authorised it so to do.

Removal of executor or administrator and provision for successor.

300. The Hight Court may, on application made to it, suspend, remove or discharge any private executor or administrator and provide for the succession of another person to the office of any such executor or administrator who may cease to hold office, and the vesting in such successor of any property belonging to the estate.

Directions to executor or administrator.

301. Where probate or letters of administration in respect of any estate has or have been granted under this Act, the High Court may, on application made to it, give to the executor or administrator any general or special directions in regard to the estate or in regard to the administration thereof.

CHAPTER IV.

OF EXECUTORS OF THEIR OWN WRONG.

Application of Chapter.

302. Nothing in this Chapter shall apply when the deceased was a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person.

Executor of his own wrong.

303. A person who intermeddles with the estate of the deceased, or does any other act which belongs to the office of executor, while there is no rightful executor or administrator in existence, thereby makes himself an executor of his own wrong.

Exceptions.—(*1*) Intermeddling with the goods of the deceased for the purpose of preserving them or providing for his funeral or for the immediate necessities of his family or property, does not make an executor of his own wrong.

(2) Dealing in the ordinary course of business with goods of the deceased received from another does not make an executor of his own wrong.

Illustrations.

(a) A uses or gives away or sells some of the goods of the deceased, or takes them to satisfy his own debt or legacy or receives payment of the debts of the deceased. He is an executor of his own wrong.

(b) A, having been appointed agent by the deceased in his lifetime to collect his debts and sell his goods, continues to do so after he has become aware of his death. He is an executor of his own wrong in respect of acts done after he has become aware of the death of the deceased.

(c) A sues as executor of the deceased, not being such. He is an executor of his own wrong.

Section 166, Act X of 1865.

Liability of executor of his own wrong.

304. When a person has so acted as to become an executor of his own wrong, he is answerable to the rightful executor or administrator, or to any creditor or legatee of the deceased, to the extent of the assets which may have come to his hands after deducting payments made to the rightful executor or administrator, and payments made in a due course of administration.

CHAPTER V.

OF THE POWERS OF AN EXECUTOR OR ADMINISTRATOR.

Section 267, Act X of 1865. Section 88, Act V of 1881.

In respect of causes of action surviving deceased, and rents due at death.

305. An executor or administrator has the same power to sue in respect of all causes of action that survive the deceased, and may exercise the same power for the recovery of debts as the deceased had when living.

Section 268, Act X of 1865. Section 89, Act V of 1881.

Demands and rights of action of or against deceased survive to and against executor or administrator.

306. All demands whatsoever and all rights to prosecute or defend any action or special proceeding existing in favour of or against a person at the time of his decease, survive to and against his executors or administrators; except causes of action for defamation, assault, as defined in the Indian Penal Code, or other personal injuries not causing the death of the party; and except also cases where, after the death of the party, the relief sought could not be enjoyed or granting it would be nugatory.

XLV of 1860.

Illustrations.

(a) A collision takes place on a railway in consequence of some neglect or default of an official, and a passenger is severely hurt, but not so as to cause death. He afterwards dies without having brought any action. The cause of action does not survive.

(b) A sues for divorce. A dies. The cause of action does not survive to his representative.

Section 269, Act X of 1865. Section 90, Act V of 1881. Section 90, Act V of 1881, inserted by section 14 of Act VI of 1890.

Power of executor or administrator to dispose of property.

307. (1) Subject to the provisions of sub-section (2), an executor or administrator has power to dispose of the property of the deceased, vested in him under section 215, either wholly or in part, in such manner as he may think fit.

Illustrations.

(a) The deceased has made a specific bequest of part of his property. The executor not having assented to the bequest, sells the subject of it. The sale is valid.

(b) The executor in the exercise of his discretion mortgages a part of the immovable estate of the deceased. The mortgage is valid.

(2) If the deceased was a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person, the general power conferred by sub-section (1) shall be subject to the following restrictions and conditions, namely:—

(i) The power of an executor to dispose of immovable property so vested in him is subject to any restriction which may be imposed in this behalf by the will appointing him, unless probate has been granted to him and the Court which granted the probate permits him by an order in writing, notwithstanding the restriction, to dispose of any immovable property specified in the order in a manner permitted by the order.

(ii) An administrator may not, without the previous permission of the Court by which the letters of administration were granted—

(a) mortgage, charge or transfer by sale, gift, exchange or otherwise any immovable property for the time being vested in him under section 215, or

(b) lease any such property for a term exceeding five years.

(iii) A disposal of property by an executor or administrator in contravention of clause (i) or clause (ii) as the case may be, is voidable at the instance of any other person interested in the property.

(iv) Before any probate or letters of administration is or are granted in such a case, there shall be endorsed thereon or annexed thereto, a copy of sub-section (1) and clauses (i) and (iii) of sub-section (2) or of sub-section (1) and clauses (ii) and (iii) of sub-section (2), as the case may be.

(v) A probate or letters of administration shall not be rendered invalid by reason of the endorsement or annexure required by clause (iv) not having been made thereon or attached thereto, nor shall the absence of such an endorsement or annexure authorise an executor or administrator to act otherwise than in accordance with the provisions of this section.

General powers of administration.

308. An executor or administrator may, in addition to, and not in derogation of, any other powers of expenditure lawfully exerciseable by him, incur expenditure—

Section 269-A, Act X of 1865. Section 90-A, Act V of 1881. Schedule I, Act XVIII of 1919.

(a) on such acts as may be necessary for the proper care or management of any property belonging to any estate administered by him, and

(b) with the sanction of the High Court, on such religious, charitable and other objects, and on such improvements, as may be reasonable and proper in the case of such property.

Section 269-B, Act X of 1865. Section 90-B, Act V of 1881. Schedule I, Act XVIII of 1919. III of 1913.

Commission or agency charges.

309. An executor or administrator shall not be entitled to receive or retain any commission or agency charges at a higher rate than that for the time being fixed in respect of the Administrator-General by or under the Administrator-General's Act, 1913.

Section 270, Act X of 1865. Section 91, Act V of 1881.

Purchase by executor or administrator of deceased's property.

310. If any executor or administrator purchases, either directly or indirectly, any part of the property of the deceased, the sale is voidable at the instance of any other person interested in the property sold.

Section 271, Act X of 1865. Section 92, Act V of 1881.

Powers of several executors or administrators exerciseable by one.

311. When there are several executors or administrators, the powers of all may, in the absence of any direction to the contrary, be exercised by any one of them who has proved the will or taken out administration.

Illustrations.

(a) One of several executors has power to release a debt due to the deceased.

(b) One has power to surrender a lease.

(c) One has power to sell the property of the deceased, whether moveable or immoveable.

(d) One has power to assent to a legacy.

(e) One has power to endorse a promissory note payable to the deceased.

(f) The will appoints A, B, C, and D, to be executors, and directs that two of them shall be a quorum. No act can be done by a single executor.

Section 272, Act X of 1865. Section 93, Act V of 1881.

Survival of powers on death of one of several executors or administrators.

312. Upon the death of one or more of several executors or administrators, in the absence of any direction to the contrary in the will or grant of letters of administration, all the powers of the office become vested in the survivors or survivor.

Section 273, Act X of 1865. Section 94, Act V of 1881.

Powers of administrator of effects unadministered.

313. The administrator of effects unadministered has, with respect to such effects, the same powers as the original executor or administrator.

Section 274, Act X of 1865. Section 95, Act V of 1881.

Powers of administrator during minority.

314. An administrator during minority has all the powers of an ordinary administrator.

Section 275, Act X of 1865. Section 96, Act V of 1881.

Powers of married executrix or administratrix.

315. When probate or letters of administration has or have been granted to a married woman, she has all the powers of an ordinary executor or administrator.

CHAPTER VI.

OF THE DUTIES OF AN EXECUTOR OR ADMINISTRATOR.

Section 276, Act X of 1865. Section 97, Act V of 1881.

As to deceased's funeral.

316. It is the duty of an executor to provide funds for the performance of the necessary funeral ceremonies of the deceased in a manner suitable to his condition, if he has left property sufficient for the purpose.

Section 277, Act X of 1865. Section 98, Act V of 1881. Section 11, Act VI of 1889. Section 7, Act VI of 1889.

Inventory and account.

317. (1) An executor or administrator shall, within six months from the grant of probate or letters of administration, or within such further time as the court which granted the probate or letters may, from time to time appoint, exhibit in that Court an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person to which the executor or administrator is entitled in that character; and shall in like manner, within one year from the grant or within such further time as the said Court may, from time to time appoint, exhibit an account of the estate, showing the assets which have come to his hands and the manner in which they have been applied or disposed of.

(2) The High Court may, from time to time prescribe the form in which an inventory or account under this section is to be exhibited.

(3) If an executor or administrator, on being required by the Court to exhibit an inventry or account under this section intentionally, omits to comply with the requisition, he shall be deemed to have committed an offence under section 176 of the Indian Penal Code. XLV of 1860.

(4) The exhibition of an intentionally false inventory or account under this section shall be deemed to be an offence under section 193 of that Code.

Section 277A, Act X of 1865. Section 98A, Act V of 1881. Section VI 1889. Section Act 1903.

Inventory to include property in any part of British India in certain cases.

318. In all cases where a grant has been made of probate or letters of administration intended to have effect throughout the whole of British India, the executor or administrator shall include in the inventory of the effects of the deceased all his moveable and immoveable property situate in British India, and the value of such property situate in each province shall be seprrately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India.

Section Act X 1865. Section Act V 1881.

As to property of, and debts owing to, deceased.

319. The executor or administrator shall collect, with reasonable diligence, the property of the deceased and the debts that were due to him at the time of his death.

Section 279, Act X of 1865. Section 101, Act V of 1881.

Expenses to be paid before all debts.

320. Funeral expenses to a reasonable amount, according to the degree and quality of the deceased, and death-bed charges, including fee for medical attendance, and board and lodging for one month previous to his death, shall be paid before all debts.

Section 280, Act X of 1865. Section 102, Act V of 1881.

Expenses to be paid next after such expenses.

321. The expenses of obtaining probate or letters of administration including the costs incurred for or in respect of any judicial proceedings that may be necessary for administering the estate, shall be paid next after the funeral expenses and death-bed charges.

Section 281, Act X of 1865. Section 103, Act V of 1881.

Wages for certain services to be next paid, and then other debts.

322. Wages due for services rendered to the deceased within three months next preceding his death by any labourer, artizan or domestic servant shall next be paid, and then the other debts of the deceased.

Section 282, Act X of 1865. Section 104, Act V of 1881.

Save as aforesaid, all debts to be paid equally and rateably.

323. Save as aforesaid, no creditor shall have a right of priority over another, by reason that his debt is secured by an instrument under seal, or on any other account; but the executor or administrator shall pay all such debts as he knows of, including his own, equally and rateably as far as the assets of the deceased will extend.

Section 283, Act X of 1865. Section 9, Act VI of 1889.

Application of moveable property to payment of debts where domicile not in British India.

324. (*1*) If the domicile of the deceased was not in British India, the application of his moveable property to the payment of his debts is to be regulated by the law of British India.

Section 284, Act X of 1865.

(*2*) No creditor who has received payment of a part of his debt by virtue of sub-section (*1*) shall be entitled to share in the proceeds of the immoveable estate of the deceased unless he brings such payment into account for the benefit of the other creditors.

(*3*) This section shall not apply where the deceased was a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person.

Illustration.

A dies, having his domicile in a country where instruments under seal have priority over instruments not under seal leaving moveable property to the value of 5 000 rupees, and immoveable property to the value of 10,000 rupees, debts on instruments under seal to the amount of 10,000 rupees, and debts on instruments not under seal to the same amount. The creditors holding instruments under seal receive half of their debts out of the proceeds of the moveable estate. The proceeds of the immoveable estate are to be applied in payment of the debts on instruments not under seal until one-half of such debts has been discharged. This will leave 5,000 rupees which are to be distributed rateably amongst all the creditors without distinction, in proportion to the amount which may remain due to them.

Section 285, Act X of 1865. Section 105, Act V of 1881.

Debts to be paid before legacies.

325. Debts of every description must be paid before any legacy.

Section 286, Act X of 1865. Section 106, Act V of 1881.

Executor or administrator not bound to pay legacies without indemnity.

326. If the estate of the deceased is subject to any contingent liabilities, an executor or administrator is not bound to pay any legacy without a sufficient indemnity to meet the liabilities whenever they may become due.

Abatement of general legacies.

327. If the assets, after payment of debts, necessary expenses and specific legacies, are not sufficient to pay all the general legacies in full, the latter shall abate or be diminished in equal proportions, and, in the absence of any direction to the contrary in the will, the executor has no right to pay one legatee in preference to another, nor to retain any money on account of a legacy to himself or to any person for whom he is a trustee. Section 287, Act X of 1865. Section 107, Act V of 1881.

Non-abatement of specific legacy when assets sufficient to pay debt.

328. Where there is a specific legacy, and the assets are sufficient for the payment of debts and necessary expenses the thing specified must be delivered to the legatee without any abatement. Section 288, Act X of 1865. Section 108, Act V of 1881.

Right under demonstrative legacy when assets sufficient to pay debts and necessary expenses.

329. Where there is a demonstrative legacy, and the assets are sufficient for the payment of debts and necessary expenses, the legatee has a preferential claim for payment of his legacy out of the fund from which the legacy is directed to be paid until such fund is exhausted, and if after the fund is exhausted, part of the legacy still remains unpaid, he is entitled to rank for the remainder against the general assets as for a legacy of the amount of such unpaid remainder. Section 289, Act X of 1865. Section 109, Act V of 1881.

Rateable abatement of specific legacies.

330. If the assets are not sufficient to answer the debts and the specific legacies, an abatement shall be made from the latter rateably in proportion to their respective amounts. Section 290, Act X of 1865. Section 110, Act V of 1881.

Illustration.

A has bequeathed to B a diamond ring valued at 500 rupees, and to C a horse, valued at 1,000 rupees. It is found necessary to sell all the effects of the testator; and his assets, after payment of debts, are only 1,000 rupees. Of this sum rupees 333-5-4 are to be paid to B, and rupees 666-10-8 to C.

Legacies treated as general for purposes of abatement.

331. For the purpose of abatement, a legacy for life, a sum appropriated by the will to produce an annuity, and the value of an annuity when no sum has been appropriated to produce it, shall be treated as general legacies. Section 291, Act X of 1865. Section 111, Act V of 1881.

CHAPTER VII.

OF ASSENT TO A LEGACY BY EXECUTOR OR ADMINISTRATOR

Assent necessary to complete legatee's title.

332. The assent of the executor or administrator is necessary to complete a legatee's title to his legacy. Section 292, Act X of 1865. Section 112, Act V of 1881. Section 148, Act V of 1881.

Illustrations.

(*a*) A by his will bequeathes to B his Government paper, which is in deposit with the Imperial Bank of India. The Bank has no authority to deliver the securities, nor B a right to take possession of them, without the assent of the executor.

(*b*) A by his will has bequeathed to C his house in Calcutta in the tenancy of B. C. is not entitled to receive the rents without the assent of the executor or administrator.

Section 293, Act X of 1865. Section 113, Act V of 1881.

333. (*1*) The assent of the executor or administrator to a specific bequest shall be sufficient to divest his interest as executor or administrator therein, and to transfer the subject of the bequest to the legatee, unless the nature or the circumstances of the property require that it shall be transferred in a particular way.

Effect of executor's assent to specific legacy.

Section 148, Act V of 1881.

(2) This assent may be verbal, and it may be either express or implied from the conduct of the executor or administrator.

Illustrations.

(*a*) A horse is bequeathed. The executor requests the legatee to dispose of it, or a third party proposes to purchase the horse from the executor, and he directs him to apply to the legatee. Assent to the legacy's implied.

(*b*) The interest of a fund is directed by the will to be applied for the maintenance of the legatee during his minority. The executor commences so to apply it. This is an assent to the whole of the bequest.

(*c*) A bequest is made of a fund to A and after him to B. The executor pays the interest of the fund to A. This is an implied assent to the bequest to B.

(*d*) Executors die after paying all the debts of the testator, but before satisfaction of specific legacies. Assent to the legacies may be presumed.

(*e*) A person to whom a specific article has been bequeathed takes possession of it and retains it without any objection on the part of the executor. His assent may be presumed.

Section 294, Act X of 1865. Section 114, Act V of 1881. Section 148, Act V of 1881.

334. The assent of an executor or administrator to a legacy may be conditional, and if the condition is one which he has a right to enforce, and it is not performed, there is no assent.

Conditional assent.

Illustrations.

(*a*) A bequeaths to B h's lands of Sultanpur, which at the date of the will, and at the death of A, were subject to a mortgage for 10,000 rupees. The executor assents to the bequest, on condition that B shall within a limited time pay the amount due on the mortgage at the testator's death. The amount is not paid. There is no assent.

(*b*) The executor assents to a bequest on condition that the legatee shall pay him a sum of money. The payment is not made. The assent is nevertheless valid.

Section 295, Act X of 1865. Section 115, Act V of 1881. Section 148, Act V of 1881.

335. (*1*) When the executor or administrator is a legatee, his assent to his own legacy is necessary to complete his title to it, in the same way as it is required when the bequest is to another person, and his assent may, in like manner, be expressed or implied.

Assent of executor to his own legacy.

(2) Assent shall be implied if in his manner of administering the property he does any act which is referable to his character of legatee and is not referable to his character of executor or administrator.

Illustration.

An executor takes the rent of a house or the interest of Government securities bequeathed to him, and applies it to his own use. This is assent.

Section 296, Act X of 1865. Section 116, Act V of 1881. Section 148, Act V of 1881.

336. The assent of the executor or administrator to a legacy gives effect to it from the death of the testator.

Effect of executor's assent.

Illustrations.

(*a*) A legatee sells his legacy before it is assented to by the executor. The executor's subsequent assent operates for the benefit of the purchaser and completes his title to the legacy.

(*b*) A bequeaths 1,000 rupees to B with interest from his death. The executor does not assent to his legacy until the expiration of a year from A's death. B is entitled to interest from the death of A.

337. An executor or administrator is not bound to pay or deliver any legacy until the expiration of one year from the testator's death.

Executor when to deliver legacies.

Illustration.

A by his will directs his legacies to be paid within six months after his death. The executor is not bound to pay them before the expiration of a year.

CHAPTER VIII.

OF THE PAYMENT AND APPORTIONMENT OF ANNUITIES.

338. Where an annuity is given by a will, and no time is fixed for its commencement, it shall commence from the testator's death, and the first payment shall be made at the expiration of a year next after that event.

Commencement of annuity when no time fixed by will.

339. Where there is a direction that the annuity shall be paid quarterly or monthly, the first payment shall be due at the end of the first quarter or first month as the case may be, after the testator's death; and shall, if the executor or administrator thinks fit, be paid when due, but the executor or administrator shall not be bound to pay it till the end of the year.

When annuity, to be paid quarterly or monthly, first falls due.

340. (*1*) Where there is a direction that the first payment of an annuity shall be made within one month or any other division of time from the death of the testator, or on a day certain, the successive payments are to be made on the anniversary of the earliest day on which the will authorises the first payment to be made.

Dates of successive payments when first payment directed to be made within given time or on day certain.

(2) If the annuitant dies in the interval between the times of payment, an apportioned share of the annuity shall be paid to his representative.

CHAPTER IX.

OF THE INVESTMENT OF FUNDS TO PROVIDE FOR LEGACIES.

341. Where a legacy, not being a specific legacy, is given for life, the sum bequeathed shall at the end of the year be invested in such securities as the High Court may by any general rule authorize or direct, and the proceeds thereof shall be paid to the legatee as the same shall accrue due.

Investment of sum bequeathed where legacy, not specific, given for life.

Section 302, Act X of 1865. Sections 122 and Act V of 1881.

Investment of general legacy, to be paid at future time.

342. (*1*) Where a general legacy is given to be paid at a future time, the executor or administrator shall invest a sum sufficient to meet it in securities of the kind mentioned in section 341.

(*2*) The intermediate interest shall form part of the residue of the testator's estate.

Section 303, Act X of 1865. Section 123, Act V of 1881.

Procedure when no fund charged with or appropriated to annuity.

343. Where an annuity is given and no fund is charged with its payment or appropriated by the will to answer it, a Government annuity of the specified amount shall be purchased, or if no such annuity can be obtained, then a sum sufficient to produce the annuity shall be invested for that purpose in securities of the kind mentioned in section 341.

Section 304, Act X of 1865. Sections 124 and 148, Act V of 1881.

Transfer to residuary legatee of contingent bequest.

344. Where a bequest is contingent, the executor or administrator is not bound to invest the amount of the legacy, but may transfer the whole residue of the estate to the residuary legatee on his giving sufficient security for the payment of the legacy if it shall become due.

Section 305, Act X of 1865.

Investment of residue bequeathed for life, without direction to invest in particular securities.

345. Where the testator has bequeathed the residue of his estate to a person for life without any direction to invest it in any particular securities, so much thereof as is not at the time of the testator's decease invested in securities of the kind mentioned in section 341 shall be converted into money and invested in such securities:

Provided that this section shall not apply if the deceased was a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person.

Section 306, Act X of 1865, Section 125, Act V of 1881.

Investment of residue bequeathed for life, with direction to invest in specified securities.

346. Where the testator has bequeathed the residue of his estate to a person for life with a direction that it shall be invested in certain specified securities, so much of the estate as is not at the time of his death invested in securities of the specified kind shall be converted into money and invested in such securities.

Section 307, Act X of 1865. Cf. section 126, Act V of 1881, Section 148, Act V of 1881.

Time and manner of conversion and investment.

347. Such conversion and investment as are contemplated by sections 345 and 346 shall be made at such times and in such manner as the executor or administrator thinks fit; and, until such conversion and investment are completed, the person who would be for the time being entitled to the income of the fund when so invested shall receive interest at the rate of four per cent. per annum upon the market-value (to be computed as at the date of the testator's death) of such part of the fund as has not been so invested:

Provided that the rate of interest prior to completion of investment shall be six per cent. per annum when the testator was a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person.

Section 308, Act X of 1865. Section 127, Act V of 1881. Section 8, Act VI of 1881.

Procedure where minor entitled to immediate payment or possession of bequest, and no direction to pay to person on his behalf.

348. (*1*) Where, by the terms of a bequest, the legatee is entitled to the immediate payment or possession of the money or thing bequeathed, but is a minor, and there is no direction in the will to pay it to any person on his behalf, the executor or administrator shall pay or deliver the same into the Court of the District Judge, by whom or by whose District Delegate the probate was, or letters of administration with the will annexed were, granted, to the account of the legatee, unless the legatee is a ward of the Court of Wards.

(*2*) If the legatee is a ward of the Court of Wards, the legacy shall be paid to the Court of Wards to his account.

(*3*) Such payment into the Court of the District Judge, or to the Court of Wards, as the case may be, shall be a sufficient discharge for the money so paid.

(*4*) Money when paid in under this section shall be invested in the purchase of Government securities, which, with the interest thereon, shall be transferred or paid to the person entitled thereto, or otherwise applied for his benefit, as the Judge or the Court of Wards, as the case may be, may direct.

CHAPTER X.

OF THE PRODUCE AND INTEREST OF LEGACIES

Legatee's title to produce of specific legacy.

349. The legatee of a specific legacy is entitled to the clear produce thereof, if any, from the testator's death. Section 309, Act X of 1865. Section 128, Act V of 1881.

Exception.—A specific bequest, contingent in its terms, does not comprise the produce of the legacy between the death of the testator and the vesting of the legacy. The clear produce of it forms part of the residue of the testator's estate.

Illustrations.

(*a*) A bequeaths his flock of sheep to B. Between the death of A and delivery by his executor the sheep are shorn or some of the ewes produce lambs. The wool and lambs are the property of B.

(*b*) A bequeaths his Government securities to B, but postpones the delivery of them till the death of C. The interest which falls due between the death of A and the death of C belongs to B, and must, unless he is a minor, be paid to him as it is received.

(*c*) The testator bequeaths all his four per cent. Government promissory notes to A when he shall complete the age of 18. A, if he completes that age, is entitled to receive the notes, but the interest which accrues in respect of them between the testator's death and A's completing 18, forms part of the residue.

Residuary legatee's title to produce of residuary fund.

350. The legatee under a general residuary bequest is entitled to the produce of the residuary fund from the testator's death. Section 310, Act X of 1865. Section 129, Act V of 1881.

Exception.—A general residuary bequest contingent in its terms does not comprise the income which may accrue upon the fund bequeathed between the death of the testator and the vesting of the legacy. Such income goes as undisposed of.

Illustrations.

(*a*) The testator bequeaths the residue of his property to A, a minor, to be paid to him when he shall complete the age of 18. The income from the testator's death belongs to A.

(*b*) The testator bequeaths the residue of his property to A when he shall complete the age of 18. A, if he completes that age, is entitled to receive the residue. The income which has accrued in respect of it since the testator's death goes as undisposed of.

Section 311, Act X of 1865. Section 130, Act V of 1881.

Interest when no time fixed for payment of general legacy.

351. Where no time has been fixed for the payment of a general legacy, interest begins to run from expiration of one year from the testator's death.

Exception.—(1) Where the legacy is bequeathed in satisfaction of a debt, interest runs from the death of the testator.

(2) Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, the legacy shall bear interest from the death of the testator.

(3) Where a sum is bequeathed to a minor with a direction to pay for his maintenance out of it, interest is payable from the death of the testator.

Section 312, Act X of 1865. Section 131, Act V of 1881.

Interest when time fixed.

352. Where a time has been fixed for the payment of a general legacy, interest begins to run from the time so fixed. The interest up to such time forms part of the residue of the testator's estate.

Explanation.—Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee and the legatee is a minor, the legacy shall bear interest from the death of the testator, unless a specific sum is given by the will for maintenance.

Section 313, Act X of 1865. *Cf.* Section 132, Act V of 1881, " Six ".

Rate of Interest.

353. The rate of interest shall be four per cent. per annum in all cases except when the testator was a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person, in which case it shall be six per cent. per annum.

Section 314, Act X of 1865. Section 133, Act V of 1881.

No interest on arrears of annuity within first year after testator's death.

354. No interest is payable on the arrears of an annuity within the first year from the death of the testator, although a period earlier than the expiration of that year may have been fixed by the will for making the first payment of the annuity.

Section 315, Act X of 1865. Section 134, Act V of 1881.

Interest on sum to be invested to produce annuity.

355. Where a sum of money is directed to be invested to produce an annuity, interest is payable on it from the death of the testator.

CHAPTER XI.

OF THE REFUNDING OF LEGACIES.

Section 316, Act X of 1865. Sections 135 and 148, Act V of 1881.

Refund of legacy paid under Court's orders.

356. When an executor or administrator has paid a legacy under the order of a Court, he is entitled to call upon the legatee to refund, in the event of the assets proving insufficient to pay all the legacies.

No refund if paid voluntarily.

357. When an executor or administrator has voluntarily paid a legacy, he cannot call upon a legatee to refund in the event of the assets proving insufficient to pay all the legacies.

Refund which legacy has become due on performance of condition within further time allowed under section 136.

358. When the time prescribed by the will for the performance of a condition has elapsed, without the condition having been performed, and the executor or administrator has thereupon, without fraud, distributed the assets; in such case, if further time has been allowed under section 136 for the performance of the condition, and the condition has been performed accordingly, the legacy cannot be claimed from the executor or administrator, but those to whom he has paid it are liable to refund the amount.

When each legatee compellable to refund in proportion.

359. When the executor or administrator has paid away the assets in legacies, and he is afterwards obliged to discharge a debt of which he had no previous notice, he is entitled to call upon each legatee to refund in proportion.

Distribution of assets.

360. Where an executor or administrator has given such notices as the High Court may, by any general rule, prescribe or, if no such rule has been made, as the High Court would give in an administration-suit, for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets, or any part thereof, in discharge of such lawful claims he knows of, and shall not be liable for the assets so distributed to any person of whose claim he shall not have had notice at the time of such distribution:

Provided that nothing herein contained shall prejudice the right of any creditor or claimant to follow the assets, or any part thereof, in the hands of the persons who may have received the same respectively.

Creditor may call upon legatee to refund.

361. A creditor who has not received payment of his debt may call upon a legatee who has received payment of his legasy to refund, whether the assets of the testator's estate were or were not sufficient at the time of his death to pay both debts and legacies; and whether the payment of the legacy by the executor or administrator was voluntary or not.

When legatee, not satisfied or compelled to refund under section 361, cannot oblige one paid in full to refund.

362. If the assets were sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy, or who has been compelled to refund under section 361, cannot oblige one who has received payment in full to refund, whether the legacy were paid to him with or without suit, although the assets have subsequently become deficient by the wasting of the executor.

ection 323, Act X of 865. Sections 142 and 148, Act V of 881.

When unsatisfied legatee must first proceed against executor, if solvent.

363. If the assets were not sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy must, before he can call on a satisfied legatee to refund, first proceed against the executor or administrator if he is solvent; but if the executor or administrator is insolvent or not liable to pay, the unstatisfied legatee can oblige each satisfied legatee to refund in proportion.

ection 324, Act X of 865. Section 143, Act V of 881.

Limit to refunding of one legatee to another.

364. The refunding of one legatee to another shall not exceed the sum by which the satisfied legacy ought to have been reduced if the estate had been properly administered.

Illustration.

A has bequeathed 240 rupees to B, 480 rupees to C, and 720 rupees to D. The assets are only 1,200 rupees and if properly administered, would give 200 rupees to B, 400 rupees to C, and 600 rupees to D. C and D have been paid their legacies in full, leaving nothing to B. B can oblige C to refund 80 rupees, and D to refund 120 rupees.

ection 325, Act X of 865. Section 144, Act V of 881.

Refunding to be without interest.

365. The refunding shall in all cases be without interest.

ection 326, Act X of 865. Section 145, Act V of 881.

Residue after usual payments to be paid to residuary legatee.

366. The surplus or residue of the deceased's property, after payment of debts and legacies, shall be paid to the residuary legatee when any has been appointed by the will.

ction 326-A, Act X of 865. Section 145-A, Act V of 881. Sections 9 and Act II of 890.

Transfer of assets from British India to executor or administrator in country of domicile for distribution.

367. Where a person not having his domicile in British India has died leaving assets both in British India and in the country in which he had his domicile at the time of his death, and there has been a grant of probate or letters of administration in British India with respect to the assets there and a grant of administration in the country of domicile with respect to the assets in that country, the executor or administrator, as the case may be, in British India, after having given such notices as are mentioned in section 360, and after having discharged, at the expiration of the time therein named, such lawful claims as he knows of may, instead of himself distributing any surplus or residue of the deceased's property to persons residing out of British India who are entitled thereto, transfer, with the consent of the executor or administrator, as the case may be, in the country of domicile, the surplus or residue to him for distribution to those persons.

CHAPTER XII.

OF THE LIABILITY OF AN EXECUTOR OR ADMINISTRATOR FOR DEVASTATION.

ction 327, Act X of 865. Section 146, Act V of 881.

Liability of executor or administrator for devastation.

368. When an executor or administrator misapplies the estate of the deceased, or subjects it to loss or damage, he is liable to make good the loss or damage so occasioned.

Illustrations

(a) The executor pays out of the estate an unfounded claim. He is liable to make good the loss.

(b) The deceased has a valuable lease renewable by notice which the executor neglects to give at the proper time. The executor is liable to make good the loss.

(c) The deceased had a lease of less value than the rent payable for it, but terminable on notice at a particular time. The executor neglects to give the notice. He is liable to make good the loss.

Liability of executor or administrator for neglect to get in any part of property.

369. When an executor or administrator occasions a loss to the estate by neglecting to get in any part of the property of the deceased, he is liable to make good the amount. Section 328, Act X of 1865. Section 147, Act V of 1881.

Illustrations.

(a) The executor absolutely releases a debt due to the deceased from a solvent person, or compounds with a debtor who is able to pay in full. The executor is liable to make good the amount.

(b) The executor neglects to sue for a debt till the debtor is able to pleased that the claim is barred by limitation and the debt is thereby lost to the estate. The executor is liable to make good the amount.

PART VIII.

SUCCESSION CERTIFICATES.

Restriction on grant of certificates under this Part.

370. (1) A succession certificate (hereinafter in this Part referred to as a certificate) shall not be granted under this Part with respect to any debt security to which a right is required by secton 210 or section 211 to be established by letters of administration or probate; Section 1 (4), Act VII of 1889.

Provided that nothing contained in this section shall be deemed to prevent the grant of a certificate to any person claiming to be entitled to the effects of a deceased Indian Christian, or to any part thereof, with respect to any debt or security, by reason that a right thereto can be established by letters of administration under this Act. Section 5, Act VII of 1901.

(2) For the purposes of this Part, "security" means— Section 3 (2), Act VII of 1889.

(a) any promissory note, debenture, stock or other security of the Government of India or of a Local Government;

(b) any bond, debenture or annuity charged by Act of Parliament on the revenues of India;

(c) any stock or debenture of, or share in a company or other incorporated institution;

(d) any debenture or other security for money issued by, or on behalf of, a local authority;

(e) any other security which the Governor-General in Council may, by notification in the Gazette of India, declare to be a secuity for the purposes of this Part.

Section 5, Act VII of 1889.

Court having jurisdiction to grant certificate.

371. The District Judge within whose jurisdiction the deceased ordinarily resided at the time of his death, or, if at that time he had no fixed place of residence the District Judge within whose jurisdiction any part of the property of the deceased may be found, may grant a certificate under this Part.

Section 6, Act VII of 1889.

Application for certificate.

372. (*1*) Application for such a certificate shall be made to the District Judge by a petition signed and verified by or on behalf of the applicant in the manner prescribed by the Code of Civil Procedure, 1908, for the signing and verification of a plaint by or on behalf of a plaintiff, and setting forth the following particulars, namely :— V of 1908.

(*a*) the time of the death of the deceased ;

(*b*) the ordinary residence of the deceased at the time of his death and, if such residence was not within the local limits of the jurisdiction of the Judge to which the application is made, then the property of the deceased within those limits ;

(*c*) the family or other near relatives of the deceased and their respective residences ;

(*d*) the right in which the petitioner claims;

(*e*) the absence of any impediment under section 370 or under any other provision of this Act or any other enactment, to the grant of the certificate or to the validity thereof if it were granted ; and

(*f*) the debts and securities in respect of which the certificate is applied for.

(*2*) If the petition contains any averment which the person verifying it knows or believes to be false, or does not believe to be true, that person shall be deemed to have committed an offence under section 193 of the Indian Penal Code. XLV of 1860.

Section 7, Act VII of 1889.

Procedure on application.

373. (*1*) If the District Judge is satisfied that there is ground for entertaining the application, he shall fix a day for the hearing thereof and cause notice of the application and of the day fixed for the hearing—

(*a*) to be served on any person to whom, in the opinion of the Judge, special notice of the application should be given, and

(*b*) to be posted on some conspicuous part of the court-house and published in such other manner, if any, as the Judge, subject to any rules made by the High Court in this behalf, thinks fit,

and upon the day fixed, or as soon thereafter as may be practicable, shall proceed to decide in a summary manner the right to the certificate.

(*2*) When the Judge decides the right thereto to belong to the applicant, the Judge shall make an order for the grant of the certificate to him.

(*3*) If the Judge cannot decide the right to the certificate without determining questions of law or fact which seem to him to be too intricate and difficult for determination in a summary proceeding, he may nevertheless grant a certificate to the applicant if he appears to be the person having *primâ facie* the best title thereto.

(*4*) When there are more applicants than one for a certificate, and it appears to the Judge that more than one of such applicants are interested in the estate of the deceased, the Judge may, in deciding to whom the certificate is to be granted, have regard to the extent of interest and the fitness in other respects of the applicants.

Contents of certificate.

374. When the District Judge grants a certificate, he shall therein specify the debts and securities set forth in the application for the certificate, and may thereby empower the person to whom the certificate is granted— Section 8, Act VII of 1889.

(*a*) to receive interest or dividends on, or

(*b*) to negotiate or transfer, or

(*c*) both to receive interest or dividends on, and to negotiate or transfer,

the securities or any of them.

Requisition of security from grantee of certificate.

375. (*1*) The District Judge shall in any case in which he proposes to proceed under sub-section (*3*) or sub-section (*4*) of section 373, and may, in any other case, require, as a condition precedent to the granting of a certificate, that the person to whom he proposes to make the grant shall give to the Judge a bond with one or more surety or sureties, or other sufficient security, for rendering an account of debts and securities received by him and for indemnity of persons who may be entitled to the whole or any part of those debts and securities. Section 9, Act VII of 1889.

(*2*) The Judge may, on application made by petition and on cause shown to his satisfaction, and upon such terms as to security, or providing that the money received be paid into Court, or otherwise, as the Judge thinks fit, assign the bond or other security to some proper person, and that person shall thereupon be entitled to sue thereon in his own name as if it had been originally given to him instead of to the Judge of the Court, and to recover, as trustee for all persons interested, such amount as may be recoverable thereunder.

Extension of certificate.

376. (*1*) A District Judge may, from time to time, on the application of the holder of a certificate under this Part, extend the certificate to any debt or security not originally specified therein, and every such extension shall have the same effect as if the debt or security to which the certificate is extended had been originally specified therein. Section 10, Act VII of 1889.

(*2*) Upon the extension of a certificate, power with respect to the receiving of interest or dividends on, or the negotiation or transfer of, any security to which the certificate has been extended may be conferred, and a bond or further bond or other security for the purposes

mentioned in section 375 may be required, in the same manner as upon the original grant of a certificate.

Section 11, Act VII of 1889.

377. Certificates shall be granted and extensions of certificates shall be made, as nearly as circumstances admit, in the forms set forth in Schedule IV.

Forms of certificate and extended certificate.

Section 12, Act VII of 1889.

378. Where a District Judge has not conferred on the holder of a certificate any power with respect to a security specified in the certificate, or has only empowered him to receive interest or dividends on, or to negotiate or transfer, the security, the Judge may, on application made by petition and on cause shown to his satisfaction, amend the certificate by conferring any of the powers mentioned in section 374 or by substituting any one or any other of those powers.

Amendment of certificate in respect of powers as to securities.

Section 14, Act VII of 1889.

379. (*1*) Every application for a certificate or for the extension of a certificate shall be accompanied by a deposit of a sum equal to the fee payable under the Court-fees Act, 1870, in respect of the certificate or extension applied for. VII of 1870.

Mode of collecting Court-fees on certificates.

(*2*) If the application is allowed, the sum deposited by the applicant shall be expended, under the direction of the Judge, in the purchase of the stamp to be used for denoting the fee payable as aforesaid.

(*3*) Any sum received under sub-section (*1*) and not expended under sub-section (*2*) shall be refunded to the person who deposited it.

Section 15, Act VII of 1889.

380. A certificate under this Part shall have effect throughout the whole of British India.

Local extent of certificate.

Section 16, Act VII of 1889.

381. Subject to the provisions of this Part, the certificate of the District Judge shall, with respect to the debts and securities specified therein, be conlcusive as against the persons owing such debts or liable on such securities, and shall, notwithstanding any contravention of section 370, or other defect, afford full indemnity to all such persons as regards all payments made, or dealings had, in good faith in respect of such debts or securities to or with the person to whom the certificate was granted.

Effect of certificate.

Section 17 Act VII of 1889.

382. Where a certificate in the form, as nearly as circumstances admit, of Schedule IV has been granted to a resident within a Foreign State by the British representative accredited to the State, or where a certificate so granted has been extended in such form by such representative, the certificate shall, when stamped in accordance with the provisions of the Court-fees Act, 1870, with respect to certificates under this Part, have the same effect in British India as a certificate granted or extended under this Part. VII of 1870.

Effect of certificate granted or extended by British representative in Foreign State.

383. A certificate granted under this Part may be revoked for any of the following causes, namely :— Section ... Act VI[I of] 1889.

Revocation of certificate.

(*a*) that the proceedings to obtain the certificate were defective in substance;

(*b*) that the certificate was obtained fraudulently by the making of a false suggestion, or by the concealment from the Court of something material to the case;

(*c*) that the certificate was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant thereof, though such allegation was made in ignorance or inadvertently;

(*d*) that the certificate has become useless and inoperative through circumstances;

(*e*) that a decree or order made by a competent Court in a suit or other proceeding with respect to effects comprising debts or securities specified in the certificate renders it proper that the certificate should be revoked.

384. (*1*) Subject to the other provisions of this Part, an appeal shall lie to the High Court from an order of a District Judge granting, refusing or revoking a certificate under this Part, and the High Court may, if it thinks fit, by its order on the appeal, declare the person to whom the certificate should be granted and direct the District Judge, on application being made therefor, to grant it accordingly, in supersession of the certificate, if any, already granted. Section ... Act VI[I] 1889.

Appeal.

(*2*) An appeal under sub-section (*1*) must be preferred within the time allowed for an appeal under the Code of Civil Procedure, 1908. V of 1908.

(*3*) Subject to the provisions of sub-section (*1*) and to the provisions as to reference to and revision by the High Court and as to review of judgment of the Code of Civil Procedure, 1908, as applied by section 141 of that Code, an order of a District Judge under this Part shall be final. V of 1908.

385. Save as provided by this Act, a certificate granted thereunder in respect of any of the effects of a deceased person shall be invalid if there has been a previous grant of such a certificate or of probate or letters of administration in respect of the estate of the deceased person and if such previous grant is in force. Section ... Act VII 1889.

Effect on certificate of previous certificate, probate or letters of administration.

386. Where a certificate under this Part has been superseded or is invalid by reason of the certificate having been revoked under section 383, or by reason of the Section 2[.] Act VII 1889.

Validation of certain payments made in good faith to holder of invalid certificate.

grant of a certificate to a person named in an appellate order under section 384, or by reason of a certificate having been previously granted, or for any other cause, all payments made, or dealings had, as regards debts and securities specified in the superseded or invalid certificate, to or with the holder of that certificate in ignorance of its supersession or invalidity, shall be held good against claims under any other certificate.

Section 25, Act VII of 1889.

Effect of decisions under this Act, and liability of holder of certificate thereunder.

387. No decision under this Part upon any question of right between any parties shall be held to bar the trial of the same question in any suit or in any other proceeding between the same parties, and nothing in this Part shall be construed to affect the liability of any person who may receive the whole or any part of any debt or security, or any interest or dividend on any security, to account therefor to the person lawfully entitled thereto.

Section 26, Act VII of 1889.

Investiture of inferior Courts with jurisdiction of District Court for purposes of this Act.

388. (1) The Local Government may, by notification in the local official Gazette, invest any Court inferior in grade to a District Judge with power to exercise the functions of a District Judge under this Part.

(2) Any inferior Court so invested shall, within the local limits of its jurisdiction, have concurrent jurisdiction with the District Judge in the exercise of all the powers conferred by this Part upon the District Judge, and the provisions of this Part relating to the District Judge shall apply to such an inferior Court as if it were a District Judge :

Provided that an appeal from any such order of an inferior Court as is mentioned in sub-section (1) of section 384 shall lie to the District Judge, and not to the High Court, and that the District Judge may if he thinks fit, by his order on the appeal, make any such declaration and direction as that sub-section authorises the High Court to make by its order on an appeal from an order of a District Judge.

(3) An order of a District Judge on an appeal from an order of an inferior Court under the last foregoing sub-section shall, subject to the provisions as to reference to and revision by the High Court and as to review of judgment of the Code of Civil Procedure, 1908, as applied by section 141 of that Code, be final. V of 1908.

(4) The District Judge may withdraw any proceedings under this Part from an inferior Court and may either himself dispose of them or transfer them to another such Court established within the local limits of the jurisdiction of the District Judge and having authority to dispose of the proceedings.

(5) A notification under sub-section (1) may specify any inferior Court specially or any class of such Courts in any local area.

(6) Any Civil Court which for any of the purposes of any enactment is subordinate to, or subject to the control of, a District Judge shall for the purposes of this section be deemed to be a Court inferior in grade to a District Judge.

Surrender of superseded and invalid certificates.

Section 27, Act VII of 1889.

389. (1) When a certificate under this Part has been superseded or is invalid from any of the causes mentioned in section 386, the holder thereof shall, on the requisition of the Court which granted it, deliver it up to that Court.

(2) If he wilfully and without reasonable cause omits so to deliver it up, he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to three months, or with both.

Provisions with respect to certificates under Bombay Regulation VIII of 1827.

Section 28, Act VII of 1889.

390. Notwithstanding anything in the Regulation of the Bombay Code No. VIII of 1827, the provisions of section 370, sub-section (2), section 372, sub-section (1), clause (f), and sections 374, 375, 376, 377, 378, 379, 381, 383, 384, 387, 388 and 389 with respect to certificates under this Part and applications therefor, and of section 317 with respect to the exhibition of inventories and accounts by executors and administrators, shall, so far as they can be made applicable, apply, respectively, to certificates granted under that Regulation, and applications made for certificates thereunder, after the 1st day of May, 1889, and to the exhibition of inventories and accounts by the holders of such certificates so granted.

PART IX.

MISCELLANEOUS.

Saving.

Section 154, Act V of 1881.

391. Nothing in Part VI, Part VII or Part VIII shall—

(i) validate any testamentary disposition which would otherwise have been invalid ;

(ii) invalidate any such disposition which would otherwise have been valid ;

(iii) deprive any person of any right of maintenance to which he would otherwise have been entitled ; or

(iv) affect the Administrator General's Act, 1913. III of 1913.

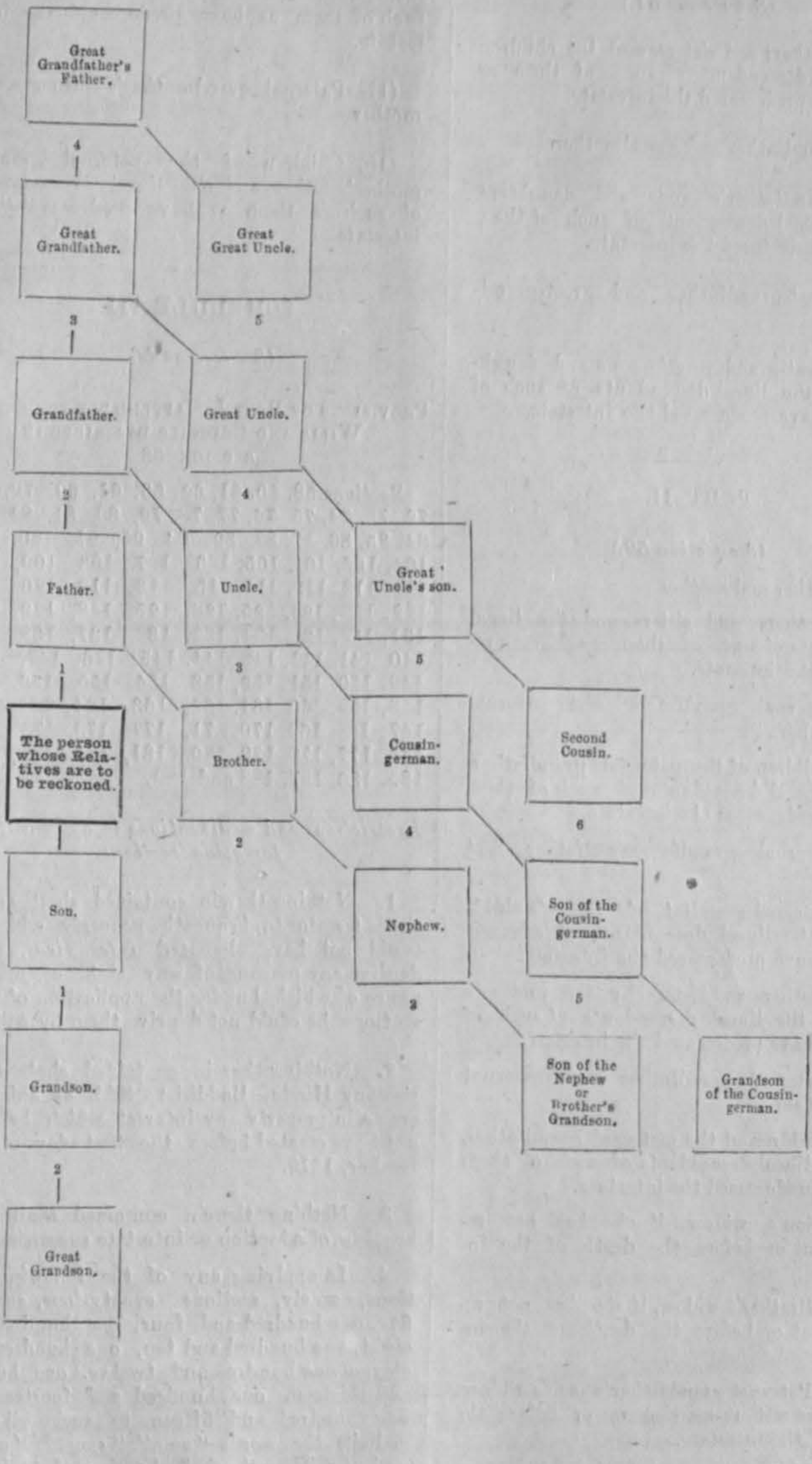
Repeals.

392. The enactments mentioned in Schedule V are hereby repealed to the extent specified in the third column thereof.

SCHEDULE I.

(See section 28.)

TABLE OF CONSANGUINITY.



SCHEDULE II.

PART I.

(*See section 51.*)

(1) Brothers and sisters, and the children or lineal descendants of such of them as shall have predeceased the intestate.

(2) Grandfather and grandmother.

(3) Grandfather's sons and daughters, and the lineal descendants of such of them as have predeceased the intestate.

(4) Great-grandfather and great-grandmother

(5) Great-grandfather's sons and daughters, and the lineal descendants of such of them as have predeceased the intestate.

PART II.

(*See section 52.*)

(1) Father and mother.

(2) Brothers and sisters and the lineal descendants of such of them as have predeceased the intestate.

(3) Paternal grandfather and paternal grandmother.

(4) Children of the paternal grandfather, and the lineal descendants of such of them as have predeceased the intestate.

(5) Paternal grandfather's father and mother.

(6) Paternal grandfather's father's children, and the lineal descendants of such of them as have predeceased the intestate.

(7) Brothers and sisters by the mother's side, and the lineal descendants of such of them as have predeceased the intestate.

(8) Maternal grandfather and maternal grandmother.

(9) Children of the maternal grandfather, and the lineal descendants of such of them as have predeceased the intestate.

(10) Son's widow, if she has not re-married at or before the death of the intestate.

(11) Brother's widow, if she has not re-married at or before the death of the intestate.

(12) Paternal grandfather's son's widow, if she has not re-married at or before the death of the intestate.

(13) Maternal grandfather's son's widow, if she has not re-married at or before the death of the intestate.

(14) Widowers of the intestate's deceased daughters, if they have not re-married at or before the death of the intestate.

(15) Maternal grandfather's father and mother.

(16) Children of the maternal grandfather's father, and the lineal descendants of such of them as have predeceased the intestate.

(17) Paternal grandmother's father and mother.

(18) Children of the paternal grandmother's father and the lineal descendants of such of them as have predeceased the intestate.

SCHEDULE III.

(*See section 56.*)

PROVISIONS OF PART IV APPLICABLE TO CERTAIN WILLS AND CODICILS DESCRIBED IN SECTION 56.

Sections 58, 60, 61, 62, 63, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 94, 95, 97, 100, 101, 102, 103, 104, 105, 106, 107, 108 109, 110, 111, 112, 113, 114, 115, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188 and 189.

Restrictions and modifications in application of foregoing sections.

1. Nothing therein contained shall authorise a testator to bequeath property which he could not have alienated *inter vivos*, or to deprive any persons of any right of maintenance of which, but for the application of these sections, he could not deprive them by will. Section 3, Act XXI of 1870. Section 154, Act V of 1881.

2. Nothing therein contained shall authorise any Hindu, Buddhist, Sikh or Jaina, to create in property any interest which he could not have created before the first day of September, 1870.

3. Nothing therein contained shall affect any law of adoption or intestate succession.

4. In applying any of the following sections, namely, sections seventy-four, seventy-five, one hundred and four, one hundred and eight, one hundred and ten, one hundred and eleven, one hundred and twelve, one hundred and thirteen, one hundred and fourteen and one hundred and fifteen, to such wills and codicils the words "son," "sons," "child" and "children" shall be deemed to include an adopted child; and the word "grandchildren" shall be deemed to include the children, whether adopted or natural-born, of a child whether adopted or natural-born; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son. Section 6, Act [illegible] of 1870.

SCHEDULE IV.

(See section 377.)

FORMS OF CERTIFICATE AND EXTENDED CERTIFICATE.

In the Court of

To *A. B.*

Schedule II, Act VII of 1889.

Whereas you applied on the day of for a certificate under Part VIII of the Indian Succession Act, 19 , in respect of the following debts and securities, namely :—

Debts.

Serial No.	Name of debtor.	Amount of debt, including interest, on date of application for certificate.	Description and date of instrument, if any, by which the debt is secured.

Securities.

Serial No.	Description.			Market-value of security on date of application for certificate.
	Distinguishing number or letter of security.	Name, title or class of security.	Amount or par value of security.	

This certificate is accordingly granted to you and empowers you to collect those debts [*and*] [*to receive*] [*interest*] [*dividends*] [*on*] [*to negotiate*] [*to transfer*] [*those securities*].

Dated this day of

District Judge.

In the Court of

On the application of *A. B.* made to me on the day of , I hereby extend this certificate to the following debts and securities, namely :—

Debts.

Serial No.	Name of debtor.	Amount of debt, including interest, on date of application for extension.	Description and date of instrument, if any, by which the debt is secured.

Securities.

Serial No.	Description.			Market-value of security on date of application for extension.
	Distinguishing number or letter of security.	Name, title or class of security.	Amount or par value of security	

This extension empowers *A. B.* to collect those debts [*and*] [*to receive*] [*interest*] [*dividends*] [*on*] [*to negotiate*] [*to transfer*] [*those securities*].

Dated this day of

District Judge.

SCHEDULE V.

(*See section 392.*)

ENACTMENTS REPEALED.

No. and year.	Short title.	Extent of repeal.
XIX of 1841 ...	The Succession (Property Protection) Act, 1841.	So much as has not already been repealed.
X of 1865 ...	The Indian Succession Act, 1865.	So much as has not already been repealed.
XXI of 1865 ...	The Parsi Intestate Succession Act, 1865.	The whole Act.
XXI of 1870 ...	The Hindu Wills Act, 1870.	So much as has not already been repealed.
III of 1874 ...	The Married Woman's Property Act, 1874.	The last paragraph of section 2.
V of 1881 ...	The Probate and Administration Act, 1881.	So much as has not already been repealed.
VI of 1881 ...	The District Delegates Act, 1881.	The whole Act.
VI of 1889 ...	The Probate and Administration Act, 1889.	So much as has not already been repealed.
VII of 1889 ...	The Succession Certificate Act, 1889.	So much as is unrepealed, except section 13.
II of 1890 ...	The Probate and Administration Act, 1890.	So much as has not already been repealed
VII of 1901 ...	The Native Christian Administration of Estates Act, 1901.	So much as has not already been repealed.
VIII of 1903 ...	The Probate and Administration Act, 1903.	So much as has not already been repealed.
XVIII of 1919...	The Repealing and Amending Act, 1919.	So much of Schedule I as refers to Act X of 1865 or to Act V of 1881.

TABLES SHOWING DISTRIBUTION IN THE BILL OF SECTIONS OF ACTS REPEALED BY THE BILL.

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2	191(*2*)	
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20		(Repealed by Act VII of 1855).

THE INDIAN SUCCESSION ACT (X OF 1865).

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Section of Act.	Clause of Bill.	REMARKS.
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Section of Act.	Clause of Bill.	REMARKS.

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204 }		
205 }		
206 }		
207 }		

PART XXX.—OF LIMITED GRANTS.

Grants limited in duration.

Section of Act.	Clause of Bill.	REMARKS.
208	235	
209	236	
210	237	
211	238	

Grants for the use and benefit of others having right.

Section of Act.	Clause of Bill.	REMARKS.
212	239	
213	240	
214	241	
215	242	
216	243	
217	244	
218	245	

For special purposes.

Section of Act.	Clause of Bill.	REMARKS.
219	246	
220	247	
221	248	
222	249	
223	250	
224	251	
225	252	

Grants with exception.

Section of Act.	Clause of Bill.	REMARKS.
226	253	
227	254	

Grants of the rest.

Section of Act.	Clause of Bill.	REMARKS.
228	255	

Grants of effects unadministered.

Section of Act.	Clause of Bill.	REMARKS.
229	256	
230	257	
231	258	

Alteration in grants.

Section of Act.	Clause of Bill.	REMARKS.
232	259	
233	260	

Revocation of grants.

Section of Act.	Clause of Bill.	REMARKS.
234	261	

PART XXXI.—OF THE PRACTICE IN GRANTING AND REVOKING PROBATES AND LETTERS OF ADMINISTRATION.

Section of Act.	Clause of Bill.	REMARKS.
235	262	
235A	263	
236	264	
237	265	
238	266	
239	267	
240	268	
241	269	
241A	270	
242	271	
242A	272	
243	273	
244	274	
245	275	
246	276	
246A }	277	
247 }		
248	278	
249	279	
250	280	
251	281	
252	282	
253	283	
253A	284	
253B	285	
253C	286	
254	287	
255	288	
256	289	
257	290	
258	291	
259	292	
260	293	
261	294	
262	296	
263	298	
264	299	
264A	300	
264B	301	

PART XXXII.—OF EXECUTORS OF THEIR OWN WRONG.

Section of Act.	Clause of Bill.	REMARKS.
265	303	
266	304	

PART XXXIII.—OF THE POWERS OF AN EXECUTOR OR ADMINISTRATOR.

Section of Act.	Clause of Bill.	REMARKS.
267	305	
268	306	
269	307	
269A	308	
269B	309	
270	310	
271	311	
272	312	
273	313	
274	314	
275	315	

PART XXXIV.—OF THE DUTIES OF AN EXECUTOR OR ADMINISTRATOR.

Section of Act.	Clause of Bill.	REMARKS.
276	316	
277	317	
277A	318	
278	319	
279	320	
280	321	
281	322	
282	323	

PART XXXIV.—OF THE DUTIES OF AN EXECUTOR OR ADMINISTRATOR—*concld.*

Section of Act.	Clause of Bill.	REMARKS.
283, 284	324	
285	325	
286	326	
287	327	
288	328	
289	329	
290	330	
291	331	

PART XXXV.—OF THE EXECUTOR'S ASSENT TO A LEGACY.

Section of Act.	Clause of Bill.	REMARKS.
292	332	
293	333	
294	334	
295	335	
296	336	
297	337	

PART XXXVI—OF THE PAYMENT AND APPORTIONMENT OF ANNUITIES.

Section of Act.	Clause of Bill.	REMARKS.
298	338	
299	339	
300	340	

PART XXXVII.—OF THE INVESTMENT OF FUNDS TO PROVIDE FOR LEGACIES.

Section of Act.	Clause of Bill.	REMARKS.
301	341	
302	342	
303	343	
304	344	
305	345	
306	346	
307	347	
308	348	

PART XXXVIII.—OF THE PRODUCE AND INTEREST OF LEGACIES.

Section of Act.	Clause of Bill.	REMARKS.
309	349	
310	350	
311	351	
312	352	
313	353	
314	354	
315	355	

PART XXXIX.—OF THE REFUNDING OF LEGACIES.

Section of Act.	Clause of Bill.	REMARKS.
316	356	
317	357	
318	358	
319	359	
320	360	
321	361	
322	362	
323	363	
324	364	
325	365	
326	366	
326A	367	

PART XL.—OF THE LIABILITY OF AN EXECUTOR OR ADMINISTRATOR FOR DEVASTATION.

Section of Act.	Clause of Bill.	REMARKS.
327	368	
328	369	

PART XLI.—MISCELLANEOUS.

Section of Act.	Clause of Bill.	REMARKS.
329	...	(Repealed by Act V of 1870.)
330	...	(Repealed by Act XXIV of 1867.)
331	4, 5, 21, 57, 210, 211.	
332		
333	3	
Schedule (Repealed.)	295	

THE PARSI INTESTATE SUCCESSION ACT (XXI OF 1865).

Section of Act.	Clause of Bill.	REMARKS.
1	46	
2	47	
3	48	
4	49	
5	50	
6	51	
7	52	
8	21, 23 and 53	
First Schedule.	Schedule II, Part I.	
Second Schedule.	Schedule II, Part II.	

THE HINDU WILLS ACT (XXI OF 1870).

Section of Act.	Clause of Bill.	REMARKS.
1	Short title.	
2	56 and Schedule III.	
3	56 and Schedule III.	
4	Spent.	
5	...	
6	Schedule III.	

THE PROBATE AND ADMINISTRATION ACT (I OF 1881).

Section of Act.	Clause of Bill.	REMARKS.

PREAMBLE.

CHAPTER I.—PRELIMINARY.

Section of Act.	Clause of Bill.	REMARKS.
1	Short title.	
2	214, 262, 299	
3	2	

CHAPTER II.—OF GRANT OF PROBATE AND LETTERS OF ADMINISTRATION.

Section of Act.	Clause of Bill.	REMARKS.
4	215	
5	216	
6	217(*1*)	
7	217(*2*)	
8	218	
9	219	
10	220	
11	221	
12	222	
13	223	
14	224	
15	225	
16	226	
17	227	
18	228	
19	229	
20	230	
21	231	
22	232	
23	233	

CHAPTER III.—ON LIMITED GRANTS.

(a) *Grants Limited in duration.*

Section of Act.	Clause of Bill.	REMARKS.
24	235	
25	236	
26	237	
27	238	

(b) *Grants for the use and benefit of others having right.*

Section of Act.	Clause of Bill.	REMARKS.
28	239	
29	240	
30	241	
31	242	
32	243	
33	244	
34	245	

(c) *For special purposes.*

Section of Act.	Clause of Bill.	REMARKS.
35	246	
36	247	
37	248	
38	249	
39	250	
40	251	
41	252	

(d) *Grants with exception.*

Section of Act.	Clause of Bill.	REMARKS.
42	253	
43	254	

(e) *Grants of the rest.*

Section of Act.	Clause of Bill.	REMARKS.
44	255	

(f) *Grants of effects unadministered.*

Section of Act.	Clause of Bill.	REMARKS.
45	256	
46	257	
47	258	

CHAPTER IV.—ALTERATION AND REVOCATION OF GRANTS.

Section of Act.	Clause of Bill.	REMARKS.
48	259	
49	260	
50	261	

CHAPTER V.—OF THE PRACTICE IN GRANTING AND REVOKING PROBATES AND LETTERS OF ADMINISTRATION.

Section of Act.	Clause of Bill.	REMARKS.
51	262	
52	263	
53	264	
54	265	
55	266	
56	263	
57	269	
58	270	
59	271	
60	272	
61	273	
62	274	
63	275	
64	276	
65, 66	277	
67	278	
68	279	
69	280	
70	281	
71	282	
72	283	
73	284	
74	255	
75	286	
76	287	
77	288	
78	289	
79	290	
80	291	
81	292	
82	293	
83	294	
84	296	
85	297	
86	298	
87	299	
87A	300	
87B	301	

CHAPTER VI.—OF THE POWERS OF AN EXECUTOR OR ADMINISTRATOR.

Section of Act.	Clause of Bill.	REMARKS.
88	305	
89	306	
90	307	
90A	308	
90B	309	
91	310	
92	311	
93	312	
94	313	
95	314	
96	315	

CHAPTER VII.—OF THE DUTIES OF AN EXECUTOR OR ADMINISTRATOR.

Section of Act.	Clause of Bill.	REMARKS.
97	316	
98	317	
99	318	

Section of Act.	Clause of Bill.	REMARKS.
CHAPTER VII.—OF THE DUTIES OF AN EXECUTOR OR ADMINISTRATOR—*concld.*		
100	319	
101	320	
102	321	
103	322	
104	323	
105	325	
106	326	
107	327	
108	328	
109	329	
110	330	
111	331	
CHAPTER VIII.—OF THE EXECUTOR'S ASSENT TO A LEGACY.		
112	332	
113	333	
114	334	
115	335	
116	336	
117	337	
CHAPTER IX.—OF THE PAYMENT AND APPORTIONMENT OF ANNUITIES.		
118	338	
119	339	
120	340	
CHAPTER X.—OF THE INVESTMENT OF FUNDS TO PROVIDE FOR LEGACIES.		
121	341	
122	342	
123	343	
124	344	
125	346	
126	347	
127	348	
CHAPTER XI.—OF THE PRODUCE AND INTEREST OF LEGACIES.		
128	349	
129	350	
130	351	
131	352	
132	353	
133	354	
134	355	
CHAPTER XII.—OF THE REFUNDING OF LEGACIES.		
135	356	
136	357	
137	138, 358	
138	359	
139	360	
140	361	
141	362	
142	363	
143	354	
144	365	
145	366	
145-A	367	
CHAPTER XIII.—OF THE LIABILITY OF AN EXECUTOR OR ADMINISTRATOR FOR DEVASTATION.		
146	368	
147	369	
CHAPTER XIV.—MISCELLANEOUS.		
148	See amendments in Chapters VII, VIII, IX and XI.	
149	391	
150	214	
151 (Repealed)	by Act VII of 1889.	
152	213	
153		Repealed by Act VII of 1889.
154	56 and Schedule III. Spent.	
155		
156		Repealed by Act IV of 1908.
157	295	

THE DISTRICT DELEGATES ACT (VI OF 1881).

Section of Act.	Clause of Bill.	REMARKS.
1	263	
2	270	
3	274	
4	276	
5	281	
6	280, 283	
7	284, 285, 286	
8	287, 288, 348	
9	276, 280, 287, 288, etc.	

THE PROBATE AND ADMINISTRATION ACT (VI OF 1889).

Section of Act.	Clause of Bill.	REMARKS.
1	Short title	
2	261 (*e*)	
3	274	
4	287	
5	288	
6	289	
7	317	
8		Repealed by Act X of 1914.
9	324	
10	295	
11	261 (*e*)	
12	287	
13	288	
14	307 (2)	
15	317	
16	318	
17	295	
18		Repealed by Acts XII of 1891 and XVII of 1914.
19	Spent	
20	Repealed by Act XI of 1899.	
21	Repealed by Act XII of 1891.	

THE SUCCESSION CERTIFICATE ACT (VII OF 1889).

Section of Act.	Clause of Bill.	REMARKS.
PREAMBLE.		
1	370 (1)	
2	...	
3	370 (2)	
4	212	
5	371	
6	372	
7	373	
8	374	
9	375	
10	376	
11	377	
12	378	
13	Not repealed.	
14	379	
15	380	
16	381	
17	382	
18	383	
19	384	
20	385	
21	213	
22	386	
23	196	
24	Spent.	
25	387	
26	388	
27	389	
28	390	
SCHEDULE I ...	Repealed.	
SCHEDULE II ...	Schedule IV.	

THE PROBATE AND ADMINISTRATION ACT (II OF 1890).

Section of Act.	Clause of Bill.	REMARKS.
1 to 8	Repealed by Act II of 1913.	
9	367	
10 to 15	Repealed by Act III of 1913.	
16	367	

NATIVE CHRISTIANS ACT (VII OF 1901).

Section of Act.	Clause of Bill.	REMARKS.
PREAMBLE.		
1	Short title.	
2	2	
3	210, 267	
4	Repealed.	
5	370	

THE PROBATE AND ADMINISTRATION ACT (VIII OF 1903).

Section of Act.	Clause of Bill.	REMARKS.
1	Short title.	
2 (1)	211	
2 (2)	271	
2 (3)	272	
3 (4)	274, 276	
2 (5)	277	
2 (6)	280	
2 (7)	318	
3 (1)	271	
3 (2)	272	
3 (3)	274, 276	
3 (4)	280	
4	....	Repealed by Act X of 1914

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to consolidate the Indian Law relating to succession. The separate existence on the Statute-book of a number of large and important enactments renders the present law difficult of ascertainment and there is, therefore, every justification for an attempt to consolidate it.

The Bill has been prepared by the Statute Law Revision Committee as a purely consolidating measure. No intentional change of the law has therefore been made. The details of the Bill are more particularly discussed in the attached Notes on Clauses.

A. P. MUDDIMAN,

President, Statute Law Revision Committee.

Dated 21st July 1923.

NOTES ON CLAUSES.

Clause 2.—The General Clauses Act, 1897 (X of 1897), will apply to the Bill. The definitions therefore of "person", "year", "month", "immoveable property," "moveable property", "Local Government" and "High Court" are unnecessary and are omitted. The definitions of "British India" and "District Judge" have also been omitted as the definitions in the General Clauses Act appear more suitable and do not change the substance of the law. The definition of "province" has been omitted, as, notwithstanding the ruling in 12 W. R. 424, it does not appear that the omission will lead to any administrative inconvenience. The definition of "minor" and "minority" is adopted from section 3 of the Probate and Administration Act, 1881 (V of 1881), and seems appropriate to the consolidated Bill. No change has been made in the other definitions which are taken from Act X of 1865, though one or two could perhaps have been more suitably worded. The definition of "Indian Christian" is taken from the Native Christian Administration of Estates Act, 1901 (VII of 1901), except that the phrase "Indian Christian" has been used instead of "Native Christian" following the modern practice in this respect.

Clause 3.—This is based on section 332 of the Indian Succession Act, 1865 (X of 1865), but in the consolidated Bill it is necessary to confine its operation to those provisions which are derived from that Act. The use of the term "exempted person" is a drafting devise which enables the language of the Bill to be shortened.

Clause 4.—The second proviso to this clause is taken from the last paragraph of section 2 of the Married Women's Property Act, 1874 (III of 1874). This provision comes in appropriately here and it is proposed to repeal the corresponding provision in the Act in question.

Clause 5.—It is well settled that the word "Hindu" in section 331 of the Indian Succession Act, 1865, and in section 2 of the Probate and Administration Act, 1881, includes Jainas and Sikhs (*cf.* I. L. R. 31 Cal. 11, etc.,) and as the Hindu Wills Act, 1870, which the Bill consolidates makes special mention of Sikhs and Jainas they are separately mentioned throughout the Bill. This and other similar sections may need to be qualified if and when the Special Marriage (Amendment) Bill, which has just been passed by the Indian Legislature, becomes law.

Clauses 6 to 20 deal with domicile and are reproductions of the corresponding sections of the Act of 1865. They are for the most part general rules which might well be applicable to all classes, but clause 5 reproducing section 331 of the Act of 1865 excludes their application in the case of Hindus, Muhammadans, Buddhists, Sikhs and Jainas.

Part III deals with intestate succession and is based on the appropriate provisions of the Indian Succession Act, 1865 (X of 1865), and the Parsi Succession Act 1865 (XXI of 1865).

Clauses 46 to 52 and Schedule II contain special rules as to intestate succession among Parsis.

Clause 53.—The proviso to this clause gives effect to one of the provisions of section 8 of the Parsi Succession Act and taken together with the preceding clauses reproduces the whole of that Act, which it is therefore proposed to repeal.

Part IV deals with testamentary succession.

Clause 56, read with Schedule III, reproduces those provisions of the Hindu Wills Act, 1870 (XXI of 1870), which relate to testamentary succession. Section 187 of the Indian Succession Act, 1865 (X of 1865), as applied by the Hindu Wills Act, has been dealt with in another part of the Bill and will be dealt with under the appropriate clause.

Part V deals with protection of the property of the deceased. It is largely based on the Succession (Property Protection) Act, 1841 (XIX of 1841). This Act was framed under the old system of drafting and certain slight verbal changes of language have had necessarily been made in introducing its provisions in the consolidated Bill, but reference will be made under the appropriate clauses to all changes which are other than purely verbal.

Clause 196.—This clause is taken from section 23 of the Succession Certificate Act, 1889 (VII of 1889), but which as it limits the power of the curator appropriately falls in this Part of the consolidated Bill.

Clause 197.—The words "moveable" and "immoveable" have been substituted for the words "personal" and "real."

Clause 198.—The words "High Court" have been substituted here and in other places in this Part where they occur for the words "Court of Sadr Diwani Adalat."

Clauses 204, 205 and 206.—These clauses have been recast as they are drawn in a form which is no longer employed in modern Acts.

Part VI.—This is an important portion of the Bill which deals with title to the property of the deceased. It is only by separating these provisions of the law that a clear view can be obtained of the requirements of the Indian law as to grants by the Court in the case of the estate of a deceased person. By separating the law in this manner, the consolidation of those provisions of the law relating to probate and grant of administration which are now

contained in the Indian Succession Act, 1865 (X of 1865), and the Probate and Administration Act, 1881 (V of 1881), are rendered possible.

Clause 210.—This reproduces the important section 190 of Act X of 1865 which requires that no right to any part of the property of a person who has died intestate can be established in any Court without letters of administration. The very important qualification which excludes the operation of this section in the case of the intestacy of Hindus, Muhammadans, Buddhists, Sikhs, Jainas and Indian Christians is based on section 331 of Act X of 1865 and section 3 of Act VII of 1901.

Clause 211 reproduces the corresponding important provision in the case of testate succession contained in section 187 of Act V of 1865 with the important qualification provided for by section 331 of Act X of 1865 read with the application of section 187 of Act X of 1865 read with section 2 of the Hindu Wills Act, 1870 (XXI of 1870).

Clause 212 reproduces the provisions of section 4 of the Succession Certificate Act, 1889 (VII of 1889).

Clause 213.—This clause is intended to reproduce the effect of section 152 of the Probate and Administration Act and section 21 of the Succession Certificate Act, and appears to come in appropriately under this Part of the Bill since it deals with the substitution of the title of the grantee for that of the certificate holder.

With reference to this Part of the Bill, it will be observed that the arrangement of the clauses brings out very clearly the anomalous position in the Indian law with regard to the requirements of proof of representative title to the property of a deceased person.

Part VII.—The provisions of the Indian law regarding the grant of probate and administration of the assets of a deceased person are to be found in the Indian Succession Act, 1865 (X of 1865), and the Probate and Administration Act, 1881 (V of 1881). Those sections of the Succession Act which deal with representative title have already been disposed of by the preceding Part of the Bill and with those exceptions the provisions of the two Acts on the subject are with comparatively small differences identical. This Part of the Bill therefore provides in general terms for the administration of the assets of deceased persons of all classes covered by the two Acts in question and provides in its separate clauses such special exceptions which are necessitated in order that the existing law may be reproduced.

Clause 215 reproduces section 179 of Act X of 1865 subject to the proviso in the case of survivorship for those classes of persons who are provided for by section 4 of Act V of 1881.

Clause 218.—As in the case of Hindus, Muhammadans, Buddhists, Sikhs, Jainas and exempted persons, probate can be granted to a married woman without the consent of her husband, the provisions of section 8 of Act V of 1881 are here incorporated with those of section 183 of Act X of 1865.

Clause 223.—Here, again, section 13 of Act V of 1881 is incorporated with section 189 of Act X of 1865 for the same reason.

Clauses 233 and 234.—The right to the grant of administration is dealt with by section 23 of Act V of 1881 and by sections 200 to 207 of Act X of 1865. Clause 233 reproduces the former rule and clause 234 the latter.

Clause 239.—Section 212 of the Act of 1865 use the word "attorney." Section 28 of the Act of 1881 uses the word "agent." Both words are used in the consolidated Bill.

Clauses 240 and 241.—The same remarks apply as in the case of clause 239.

Clause 242.—In view of the wider scope of the Bill, the language of section 31 of the Act of 1881 has been followed, *i.e.*, the words "had attained his majority" have been substituted for the words "shall have completed the age of 18 years."

Clause 244.—Section 217 of the Act of 1865 does not deal with the case of minors. Section 33 of the Act of 1881 does. As it appears to be merely *casus omissus* and the provision is in accordance with actual practice, the language of section 33 of the Act of 1881 has been adopted.

Clause 246.—The same remarks apply as in the case of clauses 240 and 241.

Clause 247.—Curiously enough both section 36 of the Act of 1881 and section 226 of the Act of 1865 use the word "attorney." It would appear a drafting slip in the Act of 1881 and the words "or agent" have been added.

Clause 248.—The language of section 37 of the Act of 1881 has been adopted, but there is no change in the substance.

Clause 262.—The proviso incorporates the provisions of section 2 of the Act of 1881.

Clause 267.—Sub-section (*2*) incorporates the provision of section 3 of Act VII of 1901 and as the provision is not incorporated in the Act of 1881, it excludes the persons to whom that Act relates from the purview of the clause.

Clause 274.—The law to be reproduced is contained in section 244 of the Act of 1865 and section 62 of the Act of 1881. The latter Act, however, contains the additional words "or for letters of administration with will annexed" and also the words "or in the cases mentioned in sections 4, 25 and 26 a copy, draft or statement of the contents thereof." The provisions of the Act of 1881 seem necessary to complete the law and they have been adopted *mutatis mutandis* in the clause.

Clause 275.—Similarly the words "copy of draft" which only occur in section 63 of the Act of 1881 have been adopted.

Clause 276.—This clause is based on section 246 of the Act of 1865 and section 64, Act V of 1881. Here again there is a discrepancy between the two sections. Under section 246 a petition must state that the deceased left some property within the jurisdiction of the District Judge or District Delegate to whom the application is made. Under section 64 in the case of an application to a District Judge the petition must state either that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge. The Bill follows the language of section 246. As a slight change in the law is involved attention is drawn to the point, and similarly to the fact that the words "a fixed place of abode" are used in the Bill in this clause also in order that the wording of the clause may be consistent with the wording of clause 274. Furthermore although section 244 requires in the case of an application to a District Judge that the petition should state that the deceased had "his fixed place of abode" within the jurisdiction of the Judge, that section in the case of an application to a District Delegate requires that the petition shall state that the deceased "resided" within the jurisdiction of the Delegate. This discrepancy is apparently explained by the fact that the paragraph was inserted by the District Delegates Act, 1881 (VI of 1881). Section 62 on the contrary uses the phrase "fixed place of abode" in both places. It seems doubtful whether it is necessary to maintain the discrepancy in the language of section 244 and the Bill uses "fixed place of abode" in both places, but it seems that attention should be drawn to the point.

Clause 289.—The proviso embodies the different rules provided by section 78 of the Act of 1881.

Clause 295.—This reproduces section 333 of Act X of 1865 and section 157 of Act V of 1881 which are in identical terms. These sections were added in their respective Acts by section 17 of Act VI of 1889 and are obviously out of position in those Acts.

Clause 299.—The proviso embodies the provisions in that behalf in section 2 of Act V of 1881.

Clause 302.—This clause is necessary as the provisions of the Act of 1865 relating to "executors of their own wrong" were not included in the Act of 1881.

Clause 305.—The wording of section 88 of the Act of 1881 has been adopted. It is more in consonance with the language of the Indian draftsman and involves no change of substance.

Clause 307.—Sub-section (2) reproduces the provisions of section 90 of the Act of 1881 which were inserted in that Act by section 14 of Act VI of 1890.

Clause 311.—The words "in the absence of any directions to the contrary in the will or grant of letters of administration" which occur in section 93 of the Act of 1881 have been adopted in the clause as they appear to state the law more accurately.

Clause 316.—The wording of section 97 of the Act of 1881 has been followed as it is more suitable to the wider scope of the consolidated Bill and involves no change of substance.

Clause 324.—This reproduces section 283 of the Act of 1865. Neither this section nor section 284 has a corresponding provision in the Act of 1881. Sub-clause (*5*), therefore excludes from the operation of the clause those to whom the Act of 1881 applies.

Clause 327.—Here again the wording of Section 107 of the Act of 1881 has been adopted as it states the law more accurately.

Clause 332.—This corresponds to section 232 of the Act of 1865 which is the first section in Part XXXV of that Act which is headed "Of the Executor's Assent to a Legacy." This at once raises the question of section 148 of the Act of 1881. That section runs as follows: "In Chapters VIII, IX, X and XII of this Act the provisions as to an executor shall apply also to an administrator with the will annexed." These Chapters deal with (1) the executor's assent to a legacy, (2) the payment and apportionment of annuities, (3) the investment of funds to provide for legacies and (4) the refunding of legacies. They correspond to Parts XXXV, XXXVI, XXXVII and XXXIX of the Act of 1865 but that Act contains no specific provision of the kind contained in section 148. To take the first question, the executor's assent to a legacy, it would seem that the executor and the administrator with the will annexed are in exactly the same position. The reason the assent of the executor is necessary is that the estate of the deceased is vested in the executor and the legatee's title to the legacies is only inchoate. Equally this is true of the administrator with the will annexed. It would seem therefore that under the Indian Succession Act the assent of an administrator with the will annexed to a legacy is probably necessary though no specific provision exists. It is well settled law in England that this is so, see Doe *versus* Mobberley, 6 C. and P. 126, Broker *versus* Charter, Cro. Eliz. 92. Similarly the other provisions specifically mentioned in section 148 appear to be applicable to cases under the Indian Succession Act. The Bill has been drafted to give effect to this view by specific amendments.

Clause 345.—This reproduces section 305 of the Act of 1865, but, as the provision does not occur in the Act of 1881, the proviso inserted is necessary.

Clause 360.—This clause reproduces section 320 of the Act of 1865 and section 139 of the Act of 1881. It would be preferable if the wording of section 139 had been adopted but this would involve a slight change in the law.

Clause 370 is based on section 1 (*4*) of the Succession Certificate Act, 1889 (VII of 1889), with the exception in the proviso which is based on section 5 of Act VII of 1901. The effect of the section here reproduced is apparently that succession certificate cannot be granted in a case where the law requires probate or letters of administration to establish a representative title before the Court. In cases where letters of administration or probate are not essential, *i.e.*, cases falling within the Act of 1881, a certificate can apparently be granted. The clause is based on this view of the law.

Clause 371.—In this clause and the rest of this Part, the words "District Judge" have been used in order to assimilate this Part to the rest of the Bill.

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[illegible]

Clause 672.—[illegible]

[illegible]

Clause 68[illegible].—[illegible] the Act of [illegible]

Clause 5[illegible]7.—[illegible] the Act of 1881. [illegible]

Clause 67[illegible].—[illegible] the Act of 188[illegible] [illegible] The clause is based on this view of the law.

Clause 67[illegible].—In this clause and the rest of this Part, [illegible] in order to assimilate this Part to the rest of the Bill.

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TO

Punjab Government Gazette

FOR HALF YEAR ENDING

30th June 1923.

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FOR HALF YEAR ENDING

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PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 16th January 1923.

No 1.—The following proceedings of a meeting of the Standing Finance Committee of the Punjab Legislative Council are published for general information :—

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

Proceedings of a meeting of the Standing Finance Committee of the Legislative Council, Punjab, held at 10 a.m. at Lahore on Friday, the 5th January 1923.

PRESENT :

The Hon'ble Sir JOHN MAYNARD, K.C.I.E., C.S.I.—*President.*

The Hon'ble Sardar Bahadur Sardar SUNDAR SINGH, MAJITHIA.

The Hon'ble Khan Bahadur MIAN FAZL-I-HUSAIN.

The Hon'ble Lala HARKISHAN LAL.

MANOHAR LAL, Esq., M.L.C.

Diwan Bahadur Raja NARENDRA NATH, M.L.C.

Sardar RANDHIR SINGH, M.L.C.

Syad MUHAMMAD HUSAIN, M.L.C.

1. The proceedings of the last meeting were confirmed.

2. The Committee accorded approval to the following reappropriations :—

(*i*) A sum of Rs. 10,000 from Head 32—Medical—Hospitals and Dispensaries—Itinerating Dispensaries, Rs. 6,000, Grants to Hospitals and Dispensaries, Rs. 4,000 (Grant No. 15) to Head

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32—Medical—Grants for medical purposes (Grant No. 15) to meet cost of a grant-in-aid of that amount to the Punjab State Medical Faculty. [Agenda item 2 (*i*).]

(*ii*) A sum of Rs. 10,651 for providing barbed wire enclosures or fencing round tents erected for accommodating prisoners in certain jails from Head 25—Jails and Convict Settlements—Jails—Contingencies (Grant No. 10), to Head 41—Civil Works—Buildings—Jails (Grant No. 22). (Agenda item 9.)

(*iii*) A sum of Rs. 8,41,522 from Grant No. 22—Head 40—Exchange—Loss on Exchange, to the grants and Major heads of account noted below (Agenda item 11) :—

Grant No.	*No. and name of Major head to which transfer is to be made.*		*Amount to be transferred.*
			Rs.
1	5—Land Revenue	...	22,000
2	6—Excise	...	500
3	7—Stamps	...	39,000
4	8—Forests	...	31,250
8	22—General Administration	...	1,42,068
9	24—Administration of Justice	...	59,568
10	25—Jails and Convict Settlements	...	17,000
11	26—Police	...	51,500
13	31—Education	...	46,000
15	32—Medical	...	46,000
16	33—Public Health	...	12,000
17	34—Agriculture	...	41,000
18	35—Industries	...	40,068
19	37—Miscellaneous Departments	...	68
22	41—Civil Works	...	99,250
24	45—Superannuation Allowances and Pensions	...	1,44,750
25	46—Stationery and Printing	...	43,500
26	47—Miscellaneous	...	6,000
	Total	...	8,41,522

3. The Committee advised in favour of the following expenditure being incurred. The reappropriations in all cases are within the competence of the Finance Department:—

(*i*) Expenditure of Rs. 9,000 on account of grant to the Municipal Committee, Simla, for pay of Deputy Superintendent in the Ripon Hospital, Simla, from Head 32—Medical—Hospitals and Dispensaries, Rural Dispensaries (Grant No. 15), to Head 32—Medical—Hospitals and Dispensaries—Grants to Hospitals and Dispensaries (Grant No. 15). (Agenda item 4.)

NOTE.—The Committee approved expenditure up to the 31st of March 1923. For future years, the Committee has advised that the expenditure should not be continued unless the Government of India pay its share

(*ii*) Expenditure of Rs. 17,067-3-0 for providing temporary accommodation for a detachment of infantry posted to Amritsar and their transport charges, to be met by reappropriation from Head 47—Miscellaneous—Contribution—Development grants (Grant No 26), to Head 47—Miscellaneous—Miscellaneous and Unforeseen Charges (Grant No. 26). (Agenda item 6.)

(iii) Expenditure of Rs. 21,000 for compensatory local allowance to the establishments stationed throughout the year at the hill stations of Murree, Kasauli and Dalhousie, to be met by the re-appropriation from the provisions for compensation for dearness of food under the same heads of account as mentioned below. (Agenda item 7):—

Head 5—*Land Revenue—Land Records* (*Grant No.* 1)—*Rs.* 3,000.

Head 6—*Excise* (*Grant No.* 2)—*Rs.* 1,500.

Head 22—*General Administration* (*Grant No.* 8)—*Allowances*—*Rs.* 10,000.

Head 24—*Administration of Justice—Allowances* (*Grant No.* 9)—Rs. 2,900.

Head 32—*Medical—Allowances* (*Grant No.* 15)—*Rs.* 1,100.

Head 34—*Agriculture—Agriculture—Other Supervising Establishment—Allowances* (*Grant No.* 17)—*Rs.* 200.

Head 41—*Civil Works—Establishment—Allowances* (*Grant No.* 22)—*Rs.* 2,300.

(iv) Expenditure of Rs. 1,360 for provincialization of the District Board High School at Pakpattan. Cost to be met from lump sum provision for provincialization of Local Board High School under Head 31—Education—B. & C.—Secondary and Primary—Government Schools—General. (Agenda item 8.)

4. The Committee approved of advances from the Civil Contingencies Fund in respect of the following items and advised in favour of submission of supplementary demands to the Legislative Council in recoupment of the Fund:—

(i) Expenditure of Rs. 10,023 on the construction of barbed wire cages for providing accommodation for prisoners in the District Jail, Multan.

Head 41—*Civil Works—Buildings—Jails and Convict Settlements* (*Grant No.* 22). (Agenda item 5.)

(ii) Expenditure of Rs. 1,725 on a temporary post of District and Sessions Judge at Sheikhupura for three months.

Head 24—*Administration of Justice—District and Sessions Courts—District and Sessions Judges—Pay of Officers* (*Grant No.* 9), (Agenda item 13.)

(iii) Expenditure of Rs. 1,725 on a temporary post of District and Sessions Judge at Hoshiarpur for three months.

Head 24—*Administration of Justice—District and Sessions Courts—District and Sessions Judges—Pay of Officers* (*Grant No.* 9). (Agenda item 14.)

5. The Committee advised in favour of the submission to the Legislative Council of supplementary demands in respect of the following items:—

(i) Expenditure of Rs. 1,21,848 on preparation of projects for Hydro-Electric Schemes—Head 56-D—Capital Outlay on Hydro-Electric Schemes. [Agenda item 2 (ii).]

(ii) Refund of Rs. 70,028-14-3 to the Alliance Bank of Simla, Limited, which was credited to Government on 6th February 1917 and 3rd November 1921 as consideration money for the purchase of 14 kanals and 26 square feet of Government land adjoining the new Masonic Hall on the Mall for the erection of a new branch office.

Head XXXV—Miscellaneous—Refunds. (Agenda item 15.)

6. The Committee advised in favour of the submission of supplementary token demands to the Legislative Council in favour of the following item :—

> Reappropriation of Rs. [illegible]5,000 for well-boring operations from Head 41-A—Civil Works in charge of Civil Officers—Contributions to new Municipalities and Notified Areas in the colonies for expenditure on other works (Grant No. 22) to Head 34—Agriculture—Agriculture—Experiments (Grant No. 17). (Agenda item 3.)

7. The following item was withdrawn as no expenditure was expected to be incurred in the current financial year :—

> Expenditure of Rs. 3,353 under Head 31—Education—D—Special—Grants-in aid (Grant No. 13) in the current year on a training class for discharged soldiers at Rohtas in the Jhelum District, to be met from the provision of Rs. 10,000 for training classes under the same head. (Agenda item 12.)

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PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 20th January 1923.

No. 2.—The following proceedings of the meetings of the Standing Finance Committee of the Punjab Legislative Council, held on 6th, 8th and 9th January 1923, are published for general information :—

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

Proceedings of a meeting of the Standing Finance Committee of the Legislative Council, Punjab, held at 10 a.m., at Lahore, on Saturday, the 6th January 1923.

PRESENT:

The Hon'ble Sir JOHN MAYNARD, K.C.I.E., C.S.I.—*President.*

The Hon'ble Sardar Bahadur Sardar SUNDAR SINGH MAJITHIA.

The Hon'ble Khan Bahadur MIAN FAZL-I-HUSAIN.

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The Hon'ble Lala HARKISHAN LAL.

MANOHAR LAL, Esq,, M.L.C.

Diwan Bahadur Raja NARENDRA NATH, M.L.C.

Sardar RANDHIR SINGH M.L.C.

Sayad MUHAMMAD HUSAIN, M.L.C.

Sardar DASAUNDHA SINGH, M.L.C.

1. The Committee considered proposals for new expenditure for th year 1923-24 under the following heads of account and advised in favour o the items given below being included in the estimates for 1923-24. Certai items were accepted by the Committee at reduced amounts and remarks hav accordingly been made against such items :—

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.		AMOUNT TO BE SPENT DURING THE YEAR.	
			Non-recurring.	Recurring.
5-B—LAND REVENUE.			Rs.	Rs.
	(1)			
Survey and Settlements ...	Lump provision for Re-settlem nt of Bhakkar Tahsil and Saadat Miáni villages.		...	40,000
OTHER HEADQUARTERS ESTABLISHMENT.	(2)			
	Re-settlement of Non-Colony portion of Jhang District—			
		Rs.		
Pay of Officers ...	Settlement Officers	18,000		
	Extra Assistant Settlement Officers ...	6,000		
	Settlement Allowances	3,000		
	Total pay of Officers ..	27,000		
Pay of Establishment ...	Office Establishment	7,400		
	Peons	1,100		
	Settlement Allowances	1,200		
	Total pay of Establishment ...	9,700		
Travelling Allowance ...	Travelling Allowance of Officers ...	5,000		
SURVEY AND SETTLEMENT PARTIES.				
Pay of Establishment ...	Field Establishment	29,000		
	Temporary Establishment	7,800		
	Peons	6,200		
	Settlement Allowances	600		
	Total pay of Establishment ...	43,600		
Travelling Allowances ...	Travelling Allowance of Establishment ..	11,200		

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.		Amount to be spent during the year. Non-recurring.	Recurring.	Remarks.
5-B.—LAND REVENUE—concld.			Rs.	Rs.	
Survey and Settlements—concld.					
SURVEY AND SETTLEMENT PARTIES—concld.		Rs.			
Supplies and Services ...	Purchase of Tents	1,500			
	Rewards	4,400			
	Cost of Books and Periodicals ...	100			
	Total Supplies and Services ...	6,000			
Contingencies ...	Purchase and repair of Furniture ...	400			
	Hot and cold weather charges ...	1,000			
	Tour charges	1,500			
	Service Postage and Telegram charges ...	2,000			
	Rents, Rates and Taxes	1,200			
	Cloth for Records	200			
	Liveries for Peons	100			
	Pay of Menials	300			
	Repair of Tents	300			
	Miscellaneous	1,000			
	Total Contingencies ...	8,000			
	Total Re-settlement of Non-colony portion of Jhang District.		...	1,10,500	
Contingencies—	(3)				
Pay of Menials ...	Increase from Re. 1 to Rs. 2 per mensem of the local allowance drawn by menial and inferior servants serving in Lahore and other expensive stations.		...	550	
	Total Survey and Settlement ...		...	1,51,050	
5-C.—LAND REVENUE.					
Land Records.					
DISTRICT CHARGES.	(1)				
Other Allowances and Honoraria.	Local allowances to Non-Gazetted Establishments at Murree, Kasauli, Dalhousie, Dharmsála and Kulu Sub-Divisions.		...	3,000	
Contingencies—	(2)				
Pay of Menials ...	Increase from Re. 1 to Rs. 2 per mensem of the local allowance drawn by menial and inferior servants serving in Lahore and other expensive stations.		...	150	
	Total Land Records ...		...	3,150	
6-A.—EXCISE.					
District Executive Establishment.	(1)				
Other Allowances and Honoraria.	Local allowances to Non-Gazetted Establishments at Murree, Kasauli, Dalhousie, Dharmsála and Kulu Sub-Divisions.		...	1,500	
Supplies and Services—	(2)				
Rewards ...	Rewards		...	12,000*	*Reduced from Rs. 15,000 to Rs. 12,000.
	(3)				
Pay of Menials ...	Increase from Re. 1 to Rs. 2 per mensem of the local allowance drawn by menial and inferior servants serving in Lahore and other expensive stations.		...	100	
	Total ...		...	13,600	

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year. Non-recurring.	Recurring.	Remarks
8.—FORESTS.		Rs.	Rs.	
B—Conservancy and Works				
B—VI (a)	(1) Reclamation and Afforestation Works in Pabbi Reserved Forest (purchase of livestock) of Afforestation Division (Western Circle).	750	...	
B—VII (b)	(2) Reclamation and Afforestation Works in Pabbi Reserved Forest (purchase of stores, tools and plant) of Afforestation Division (Western Circle).	1,250	...	
	(3) Construction of Kacha quarters for Subordinates at Tera in Lahore Division (Western Circle)— Rs. (i) Foresters' quarters combined with 3 Forest Guards' huts and a Range Rest House ... ... 2,430; (ii) Three Beldars' quarters ... 370	2,800	...	
	(4) Construction of quarters for subordinates in Chichawatni Irrigated Plantation, Lahore Division (Western Circle)— Rs. (i) Three sets of Beldars' quarters, each set to consist of 10 huts, (1) at Chak 10 in West Block, (2) at Kimianwali in East Block, and (3) at Chichawatni East Block at Rs. 1,130 per set ... 3,390; (ii) A seed godown in Chak 10, West Block 100	3,490	...	
	(5) Construction of the following quarters for subordinates in Khanewal Irrigated Plantation, Multan Division (Eastern Circle— Rs. (i) Two Foresters' quarters,—one at Waryamwala and one at Vinoi Compound at Rs. 1,430 each ... 2,860; (ii) Six Forest Guards' huts at Waryamwala at Rs. 300 each ... 1,800; (iii) Ten Beldars' huts in Vinoi Compound at Rs. 155 each less Rs. 670 to be spent on collection of material during 1922-23 880	5,540	...	
	(6) Construction of the following quarters for subordinates in Block II of Daphar Irrigated Plantation, Lahore Division (Western Circle)— Rs. (1) Two Forest Guards' huts ... 800; (2) 1 Forester's quarters ... ... 1,200; (3) Beldars' quarters 1,800	3,800	...	
	(7) Addition of a Verandah in front of the Divisional Office, Lahore, Lahore Division (Western Circle).	440	...	

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year. Non-recurring.	Recurring.	Remarks.
8.—FORESTS—concld.		Rs.	Rs.	
B—Conservancy and Works—concld.				
B—VII (c) ...	(8) Construction of Kuhl for the Kashdhar Range quarters in Bashahr Division (Eastern Circle).	300	...	
	(9) Half cost of fire protection scheme for Changa Manga Depôt in Lahore Forest Division (Western Circle).	6,000	...	
	(10) Construction of a 6 feet diameter well in Khanewal Irrigated Plantation, Multan Division (Western Circle).	2,000	...	
	(11) Construction of a well at Changa Manga for use of the Tramway Establishment, Lahore Division (Western Circle).	1,500	...	
B—VIII (c) ...	(12) Reclamation and Afforestation Works in Pabbi Reserved Forest of Afforestation Division (Western Circle).	8,000	...	
B—IX (c) ...	(13) Freight and other shipping, etc., charges of wire ropeways for Kulu Exploitation Division (Eastern Circle).	5,000	...	
	(14) Expenditure on the preparation of Exhibits for the British Empire Exhibition, 1924 (Utilization Circle Office).	5,000	...	
	(15) Experimental work in timber preservation (Utilization Circle).	10,000	...	
	(16) Miscellaneous Experiments (Utilization Circle)	5,0[illegible]0	...	
C—Establishment.				
C.—III (f) ...	(17) Expenditure on putting into Commercial shape the accounts of the Punjab Forest Department by a firm of Chartered Accountants (Chief Conservator's Office).	12,000	...	
Contingencies—				
Pay of Menials ...	(18) Increase from Re 1 to Rs. 2 per mensem of the local allowances drawn by the menial and inferior servants serving at Lahore and other expensive stations.	...	300	
	Total ..	72,870	300	
XIII—IRRIGATION, NAVIGATION, EMBANKMENT AND DRAINAGE WORKS.				
Deduct—Working Expenses.				
Establishment ...	(1) Increase from Re. 1 to Rs. 2 per mensem of the local allowances drawn by menial and inferior servants serving at Lahore and other expensive stations.	...	1,900	

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year. Non-recurring.	Recurring.	Remarks.
		Rs.	Rs.	Rs.
15.—OTHER REVENUE EXPENDITURE.				
Financed from Ordinary Revenues.				
(NAVIGATION, EMBANKMENT AND OTHER WORKS.)				
Drainage Board, Punjab	Unforeseen requirements	...	75,000*	*Reduced from Rs. 1,00,000 to R. 75,000.
22-B.—GENERAL ADMINISTRATION				
Legislative Council ...	(1) General elections for the Punjab Legislative Council and the Legislative Assembly.	3,25,000†	...	†Reduced from Rs. 3,75,000 to Rs. 3,25,000.
	(2) Bye-elections of members for the Provincial and Indian Ligislatures.	10,000	...	
	Total ...	3,35,000	...	
52-A.—FOREST CAPITAL OUTLAY.	(1) Survey for logging work in Kulu Exploitation Division (Eastern Circle).	10,000‡	...	‡Reduced from Rs. 20,000 to Rs. 10,000.
(Expenditure not charged to Revenue.	(2) Part construction of a semi-permanent Timber Slide in Kamra Valley to extract timber from Parindla, Kamra and Harnta Forests in Ráwalpindi East Division (Western Circle).	12,500	...	
	(3) Construction of a 24"-gauge tramway between Galiaragali and Bauni in the Ráwalpindi West Division, (Western Circle.	51 000	...	
	(4) Extension of Patriata Ropeway in Ráwalpindi West Division (Western Circle)—A—VI (c), A—VII (a) and IX (c).	43,000	...	
	(5) Construction of the Compartment roads and five masonry culverts in the Khanewál Irrigated Plantation (Multán Division) (Western Circle).	3,000	...	
	Total ...	1,19,500	...	

Expenditure in England.

		£	£	£
52-A.—FOREST CAPITAL OUTLAY. (Expenditure not charged to Revenue.)	Purchase of 8 spans of wire ropeways for the Kulu Exploitation Division (Eastern Circle).	2,200	...	...

2. The Committee advised against the inclusion of the following items in the estimates for 1923-24:—

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year.		Remarks.
		Non-recurring.	Recurring.	
5-B.—LAND REVENUE.		Rs.	Rs.	
Survey and Settlement.	Lump provision for Re-settlement of—			
	Rs.			
	(1) Hafizábad Tahsil of Gujránwála District 20,000			
	(2) Khangah Dogran Tahsil, Sheikhúpura (old villages), Sharakpur Tahsil (old and colony villages) 30,000			
	(3) Attock and Talagang Tahsils, Attock District 40,000			
5-C.—LAND REVENUE.		...	90,000	
Land Records.				
DISTRICT CHARGES.				
Supplies and Services ...	Rewards to Patwaris in Districts not under Settlement ...	...	10,000	
8—FORESTS.				
B—Conservancy and Works.				
B.—VII (*b*)	Collection of materials and part construction of Clerks' quarters at Kulu in Kulu Division (Eastern Circle).	3,000	...	
	Construction of two Divisional Forest Officers' bungalows at Kulu in Kulu Division (Eastern Circle).	12,000	...	
B.—VII (*c*)	Kuhl for head-quarters buildings at Kulu in Kulu Division (Eastern Circle).	5,000	...	

MILES IRVING,

The 6th January 1923. *Secretary, Standing Finance Committee.*

Proceedings of a meeting of the Standing Finance Committee of the Legislative Council, Punjab, held at 10 a. m., at Lahore, on Monday, the 8th January 1923.

PRESENT:

The Hon'ble Sir JOHN MAYNARD, K.C.I.E., C.S.I.—*President.*

The Hon'ble Sardar Bahadar Sardar SUNDAR SINGH MAJITHIA.

The Hon'ble Khan Bahadur Mian FAZL-I-HUSAIN.

The Hon'ble Lala HARKISHAN LAL.

MANOHAR LAL, Esq., M.L.C.

Diwan Bahadur Raja NARENDRA NATH, M.L.C.

Sardar DASAUNDHA SINGH, M.L.C.
Sardar RANDHIR SINGH, M L.C.
Sayad MUHAMMAD HUSAIN, M.L.C.

1. The Committee advised in favour of the inclusion of the following amounts as , Reserves for the revision of Contract Contingent grants' in the estimates for 1923-24, under the major heads of account shown below. These reserves will be at the disposal of the Finance Department :—

Head.	Amount.
	Rs.
5—Land Revenue (Land Records)	1,000
6—Excise	2,000
7—Stamps	14,000
22—General Administration	3,48,150
24—Administration of Justice	32,000
25—Jails and Convict Settlements	22,000
26—Police	45,000
31—Education	30,000
32—Medical	8,000
33—Public Health	5,000
34—Agriculture	20,000*
35—Industries (Industrial Education)	6,000*
46—Stationery and Printing	9,000

* *Note.*—The amount under '34—Agriculture' was reduced by Rs. 5,000 from Rs. 25,000 to Rs. 20,000 and that under '35—Industries—(Industrial Education' increased by an equal amount from Rs. 1,000 to Rs. 6,000.

2. The Committee considered proposals for new expenditure for the year 1923-24 under the following heads of accounts and advised in favour of the items given below being included in the estimates for 1923-24 :—

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	AMOUNT TO BE SPENT DURING THE YEAR.	
		Non-recurring.	Recurring.
		Rs.	Rs.
5-A.—LAND REVENUE.			
Charges of Administration.			
Treasury staff, Establishment and Contingencies.	50 Venesta boxes, seals and punches for treasuries ...	7,000	...
	Total	7,000	...

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year. Non-recurring.	Recurring.
		Rs.	Rs.
22-C.—GENERAL ADMINISTRATION.			
Civil Secretariat.			
Contingencies	Composition of articles for the Press	...	15,000
22-E.—GENERAL ADMINISTRATION.			
District Administration.			
GENERAL ESTABLISHMENT.			
Other Allowances and Honoraria ...	(1) Local Allowances to Non-Gazetted Establishments at Murree, Kasauli, Dalhousie, Dharmsala and Kulu Sub-Divisions.	...	10,000
Contingencies—			
Other Charges	(2) Rewards to Horse-Breeders on Lower Jhelum Colony out of Colony fines.	...	1,000
Purchase of furniture ...	(3) Purchase of furniture for the Courts and Offices in the Gujranwala District.	3,705	...
Pay of Menials	(4) Increase from Rs. 1 to Rs. 2 per mensem of the local allowance drawn by menial and inferior servants serving at Lahore and other expensive stations.	...	14,500
SUB-DIVISIONAL ESTABLISHMENT.			
Contingencies—			
Rents, Rates and Taxes ...	(5) Rent of the serai hired for use as Tahsil headquarters of the former Zafarwal Tahsil at Narowal.	...	1,800
	Total ..	3,705	27,300
25-A.—JAILS AND CONVICT SETTLEMENTS.			
JAILS.			
CLERICAL, EDUCATIONAL AND MECHANICAL ESTABLISHMENTS.			
Central Jails	(1) One Driver at Rs. 50 per mensem and one Oilman at Rs. 20 per mensem required for the working of, a new pump driven by an oil engine at Multan Central Jail.	...	600 240
CONTIGENT CHARGES.			
Central Jails (Non-Contract C) ...	(2) Contingencies on account of (1) above	...	200
Central Jails (Non-Contract B) ...	(3) Installation of Electric Alarm Signals in the Lahore Central Jail and Lahore Borstal Institution for communication with Police Lines.	...	500
Pay of Menials	(4) Increase from Re. 1 to Rs. 2 per mensem of the local allowance drawn by the menial and inferior servants serving at Lahore and other expensive stations.	...	100
	Total	..	1,640

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year. Non-recurring.	Recurring.
		Rs.	Rs.
26-B.—POLICE.			
District Executive Force.			
POLICE FORCE.			
Executive Subordinates.			
Pay of Establishment	(1) Maintenance of a guard for Council Chamber and Toshakhana Lahore (increase of 4 constables and a decrease of 1 Head Constable, 4th grade).	...	[illegible]
	(2) Increase in establishment of districts sanctioned temporarily for fixed duties for one year, to be extended till 28th February 1924.	...	[illegible]
Contingencies—			
Pay of Menials	(3) Grant of an allowance to sweepers for sweeping the Police Stations in the Attock District.	...	[illegible]
	(4) Increase from Re. 1 to Rs. 2 per mensem of the local allowance drawn by the menial and inferior servants serving at Lahore and other expensive stations.	...	[illegible]
	Total ..	...	[illegible]
RECLAMATION OF CRIMINAL TRIBES.			
Industrial Settlements under Government.	(1) Provision of accommodation for 125 families at the Shahpur Jand Industrial Settlement— Rs. 75 quarters, costing Rs. 100 per quarter ... 7,500 Residential quarters for the Assistant Teacher 392 Additional School Building ... ... 600 Staff quarters 2,530	11,022	-
	(2) Assistant Teacher on Rs. 20—1—30 per mensem ... 2 Chaukidars at Rs. 13 per mensem each	} ..	[illegible]
Reformatory Settlement, Amritsar ..	(3) Construction of Verandah for 7 new quarters	1,050	-
	(4) Pacca floor for staff quarters	525	-
	Total ...	12,597	[illegible]

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year.	
		Non-recurring.	Recurring.
		Rs.	Rs.
46.—STATIONERY AND PRINTING.			
Government Presses.			
JAIL PRESS.	(1)		
Pay of Establishment	Increase of pay of the English Copy-writer, Lahore Central Jail Press, from Rs. 30—1—60—2—70 to Rs. 40—2—80—2—90.	...	110
	(2)		
Stationery purchased in the country ...	Re-settlement of Non-Colony portion of Jhang District ...	...	2,000
	(3)		
Lithography	Ditto Ditto ...	...	1,000
	Total ...	...	3,110

3. The Committee advised against the inclusion of the following items in the estimates for 1923-24 ;—

Major and Minor heads, Primary units of a appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year.	
		Non-recurring.	Recurring.
		Rs.	Rs.
22-E—GENERAL ADMINISTRATION.			
District Administration.			
GENERAL ESTABLISHMENT.			
Contingencies—	(1)		
Telephone charges	Rent of two telephonic connections to be laid at Sargodha, 1 in the office of Deputy Commissioner, 1 at his house.	...	500
SUB-DIVISIONAL ESTABLISHMENT.			
Contingencies—	(2)		
Telephones charges ...	Telephonic connection at Tahsil Sargodha (3rd connection) ...	...	250
	Total ...	...	750
26-B—POLICE.			
District Executive Force.			
POLICE FORCE.			
Executive Subordinates.	(1)		
Other Allowances and Honoraria ...	Grant of uniform and saddlery for 20 Deputy Superintendents of Police (Rs. 300 for uniform and Rs. 600 for horses and saddlery).	...	18,000
	(2)		
	Grant of uniform and horses to 5 Probationary Assistant Superintendents of Police and 1 Deputy Superintendent of Police promoted to Imperial Service (£ 30 each for uniform and Rs. 600 each for horses and saddlery).	...	5,400

4. The Committee did not give any advice on the following item as informatio[n] respecting it was not available :—

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	AMOUNT TO BE SPENT DURING THE YEAR.	
		Non-recurring.	Recurring.
26-B.—POLICE. District Executive Force. POLICE FORCE. *Executive Subordinates.*		Rs.	Rs.
Pay of Establishment	Creation of new Police Station, Chaklála Cantonment, Ráwalpindi District (increase of 1 European Inspector, 1 Sub-Inspector, 5 Head Constables and 29 Constables).	...	15,3[illegible]

Proceedings of a meeting of the Standing Finance Committee of the Legislative Council, Punjab, held at 10 a.m. at Lahore on Tuesday, the 9th January 1923.

PRESENT :

The Hon'ble Sir JOHN MAYNARD, K.C.I.E., C.S.I.—PRESIDENT.
The Hon'ble Sardar Bahadur Sardar SUNDAR SINGH, MAJITHIA.
The Hon'ble Khan Bahadur Mian FAZL-I-HUSAIN.
The Hon'ble Lala HARKISHAN LAL.
MANOHAR LAL, Esq., M.L.C.
Diwan Bahadur Raja NARENDRA NATH, M.L.C.
Sayed MUHAMMAD HUSAIN, M.L.C.
Malik FEROZ KHAN, Nun, M.L.C.

1. The Committee considered proposals for new expenditure for the year 1923-24 under the following heads of account and advised in favour of the items given below being included in the estimates for 1923-24 :—

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	AMOUNT TO BE SPENT DURING THE YEAR.	
		Non-recurring.	Recurring.
24-A.—ADMINISTRATION OF JUSTICE High Court.		Rs.	Rs.
Pay of Establishment	(1) Temporary Establishment for Additional Judges ...	...	22,458
Contingencies—	(2) Temporary Establishment for Inspecting Judge ...	...	1,683
Purchase of furniture ...	(3) Purchase of furniture for new extension of High Court Buildings.	15,000	...
	Total	15,000	24,141
24-C.—ADMINISTRATION OF JUSTICE. Civil and Sessions Court. DISTRICT AND SESSIONS JUDGES.			
Pay of Officers	(1) One Additional District and Sessions Judge at Rs. 1,500 per mensem.	...	(a) 18,000
	(2) Appointment of 5 Sub Judges at Rs. 275 per mensem each ...	...	(b) 16,500
Pay of Establishment	(3) Establishment for No. (1) above	...	(c) 3,120
	(4) Eight Shorthand writers to be appointed in districts in which the post does not exist at present.	...	2,640
Other Allowances and Honoraria ...	(5) Local allowances to Non-Gazetted Establishments at Murree, Kasauli, Dalhousie, Dharmsála and Kulu Sub-Divisions.	...	2,900
Contingencies— Pay of Menials	(6) Increase from Re. 1 to Rs. 2 per mensem of the local allowances drawn by menial and inferior servants serving in Lahore and other expensive stations.	...	2,100
	Total	...	45,260

(a) The amount was reduced from Rs. 36,000 for two Judges to Rs 18,000 for one.
(b) The amount was reduced from Rs. 33,000 for ten appointments to Rs. 16,500 for five, and the Committee advised that Deduct entries should be made under 'Sub Judges and Munsiffs' to represent savings on account of appointment of these.
(c) The amount was reduced from Rs. 6,240 to Rs. 3,120.

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year.	
		Non-recurring.	Recurring.
		Rs.	Rs.
24-E—ADMINISTRATION OF JUSTICE.			
Criminal Courts.			
Supplies and Services	Fees for conducting blood-stain cases examined by Imperial Serologist.	...	7,620
	Total	...	7,620
30—SCIENTIFIC DEPARTMENTS.			
Provincial Museums.			
Contingencies—			
Pay of Menials	Increase from Re. 1 to Rs. 2 per mensem of the local allowance drawn by menial and inferior servants serving in Lahore and other expensive stations.	...	200
	Total	...	200
Hydro-Electric Survey ...	Completion of the Punjab Hydro-Electric Survey ...	75,000	...
	Non-voted	*14,400*	...
	Voted	60,600	...
	Total	75,000	...
37—MISCELLANEOUS DEPARTMENTS.			
Miscellaneous.			
Public Library	Additional grant for the Punjab Public Library	...	8,000
	Total	...	8,000
41—CIVIL WORKS.			
V.—Establishment.			
(a) BUILDINGS AND ROADS BRANCH.			
Government School of Engineering, Punjab, Rasul.			
Pay of Officers	(1) New post of Lecturer in Engineering drawing on a pay of Rs. 250—20—750 (average 475) and reduction of present post on Rs. 120—10—270 and Rs. 300—20—800 *plus* Rs. 50 special pay.	...	1,068
Other Allowances and Honoraria ..	(2) Local allowances to Non-Gazetted Establishment at Murree, Kasauli, Dalhousie, Dharmsala and Kulu Sub-Divisions.	...	2,300
Contingencies—			
Pay of Menials	(3) Increase from Re. 1 to Rs. 2 per mensem of the local allowance drawn by menial and inferior servants serving in Lahore and other expensive stations.	...	1,300
	Total Buildings and Roads Branch ...	...	4 668

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.		Amount to be spent during the year. Non-recurring.	Recurring.
			Rs.	Rs.
41.—CIVIL WORKS.				
V.—Establishment				
(b) COMMUNICATIONS BOARD.		Rs.		
Pay of Officers	Road Engineer	18,000		
	Assistant Road Engineer	6,360		
	Tramway Engineer	14,400		
	Total Pay of Officers ...	38,760	...	38,760
	Road Engineer.			
Pay of Establishment ...	Draftsman	744		
	Tracer	384		
	Clerks	8,544		
	Temporary Establishment.			
	Sub-Overseers	2,068		
	Total ...	11,760		
	Tramway Engineer.			
	Two overseers	4,800		
	One draftsman	1,200		
	One clerk	1,440		
	Total ...	7,440		
	Total Pay of Establishment ...	19,200	..	19,200
Travelling Allowance ...	Members of the Board	2,500		
	Road Engineer and staff	3,500		
	Tramway Engineer and staff	7,500		
	Total Travelling Allowance ...	13,500	...	13,500
Other Allowances and Honoraria ...	Lahore Allowance at Rs. 5 per mensem to two Assistant Clerks of the Road Engineer's office		...	120
		Rs.		
Contingencies ...	Road Engineer	2,152		
	Tramway Engineer	3,160		
	Total Contingencies ...	5,312	...	5,312
Supplies and Services ...	Road Experiments	25,000		
	Total Supplies and Services ...	25,000	...	25,000
	Total Communications Board ...		...	1,01,892

Major and Minor heads.	Details of Project	Total estimated cost.	Expenditure in 1923-24.
		Rs.	Rs.
41.—CIVIL WORKS.			
Original Works—Buildings.			
F (a)—GENERAL ADMINISTRATION (TRANSFERRED).	(1) Purchase of District Board Office at Lyallpur for the extension of District Court Offices.	29,387	29,387
	(2) Allotment for Minor Works	30,000	30,000
	Total Original Works—General Administration (Transferred).	59,387	59,387
F (b)—GENERAL ADMINISTRATION (RESERVED).	MINOR WORKS.		
	(1) Minor Works in connection with Government House, Lahore	15,000	15,000
	(2) Minor Works in connection with Barnes Court, Simla ...	15,000	15,000
	(3) Minor Electric Works in connection with Government Houses at Lahore and Simla.	5,000	5,000
	(4) Minor (Sanitery) Works in connection with Government Houses at Lahore and Simla.	5,000	5,000
	Total Original Works—General Administration (Reserved)	40,000	40,000
H—JAILS AND CONVICT SETTLEMENTS	MAJOR WORKS.		
	(1) Quarters for commissioned Jamadar, Second Master and six teachers of the Borstal Institution, Lahore.	21,790	21,790
	MINOR WORKS.		
	(2) Installation of a new pump driven by an oil engine in the Central Jail, Multan.	6,345	6,345
	(3) Additional Kacha houses for Warders in the Borstal Institution, Lahore.	9,723	9,723
	(4) Reserve for Minor Works	7,000	(a)7,000
	Total Original Works—Jails and Convict Settlements ...	44,858	44,858
I—POLICE	MAJOR WORKS.		
	(1) Purchase of Railway Bungalow No. E. 7 and site at Phillaur for the purpose of a Mess and quarters for Probationary Assistant Superintendents of Police, Phillaur, District Jullundur.	16,000	16,000
	(2) Construction of a Police Station at Chuhar Kana in the Sheikhupura District.	26,361	26,361
	(3) Construction of a barrack for 25 men at Chota Simla ...	14,000	14,000

(a) The amount was reduced from Rs. 10,000 to Rs. 7,000.

Major and Minor Heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
		Rs.	Rs.
41.—CIVIL WORKS.			
Original Works—Buildings—concld.			
I.—POLICE—concld.	MINOR WORKS.		
	(4) Re-roofing the office room, the constables' barrack and the gateway of Police Station, Machhiwara, District Ludhiána	2,279	2,279
	(5) Re-roofing the Police Station Taoru in the Gurgaon District...	1,680	1,680
	(6) Provision of standard pattern lock-up doors to the lock-up attached to Police Station Khalra, District Lahore.	821	821
	(7) Construction of pacca walls of Malkhana at Police Station Nowshera Virkan, Gujránwála District.	981	981
	(8) Proposed roofing of male and female lock-ups and constables' barracks of Police Outpost, Mohanki, Ferozepore District.	950	950
	(9) Construction of a lock-up and quarters for a constable at Basal, Attock District.	4,869	4569
	(10) Construction of a lock-up at Police Post, Miánwála, Attock District.	4,140	4140
	(11) Construction of a Rifle Range for joint use of Police and Levy at Dera Ghazi Khan.	3,171	3,171
	(12) Raising roofs and providing sills under gratings of lock-ups of Police Station Bhowána, Jhang District.	1,116	1,116
	(13) Additions and alterations to contagious ward in Police Lines, Rawalpindi.	455	455
	(14) Fitting of electric lights in various Police Stations at Simla...	2,324	2,324
	(15) Reserve for Minor Works...	7,000	(a) 7,000
	Total Original Works—Police ...	86,147	86,147
Q.—CIVIL WORKS	MINOR WORKS.		
	(1) Constructing a Public Works Department Inspection Bungalow, Simla District.	9,700	9,700
	(2) Reserve for unforeseen requirements, Minor Works ...	75,000	75,000
	Total Original Works—Civil Works ...	84,700	84,700
FF.—Reserve for unforeseen requirements—Original Works—Buildings.	(1) Buildings required for the new District of Sheikhupura ...	75,000	75,000
	(2) Others	50,000	50,000
	Total Reserve for unforeseen requirements—Original Works—Buildings.	1,25,000	1,25,000

(a) The amount was reduced from Rs. 10,000 to Rs. 7,000.

Major and Minor Heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
41.—CIVIL WORKS.		Rs.	Rs.
T—Original Works.			
COMMUNICATIONS IN CHARGE OF BUILDINGS AND ROADS BRANCH.	MAJOR WORKS.		
	(1) Constructing a Suspension Bridge at Raison in mile 8/2 on the Kulu-Lahaul Road, Kangra District.	22,044	22,044
	(2) Widening and replacing Deg Nullah Bridge in mile 13, Lahore-Sheikhupura Road, Sheikhupura District.	10,000	10,000
	(3) Renewing bridge in mile 13 over Deg Nullah on Lahore-Peshāwar Road, Lahore District.	53,144	53,144
	(4) Providing platforms for stacking metal on the Murree-Kohāla Road, Rawalpindi District.	10,161	10,161
	(5) Re-flooring bridge in mile 39/6 of Lahore-Ferozepore Road, Lahore District.	17,193	17,193
	(6) Reconstructing Salig Ram Bridge on Rāwalpindi-Tret Road, Rawalpindi District.	22,000	22,000
	(7) Construction of a Suspension Bridge at Phagoo, mile 93/6, Kulu-Simla Road, to replace the worn-out timber bridge.	22,400	22,400
	Total Original Works Communications in charge of the Buildings and Roads Branch—Major Works.	1,56,942	1,56,942
	MINOR WORKS.		
	(1) Improvements to Hindustan-Tibet Road between Wangtu and Urni, miles 119-124, Simla District.	3,668	3,668
	(2) Improvements to Hindustan-Tibet Road between Karang Khud and Kanam, Simla District.	5,000	5,000
	(3) Improvements to Hindustan Tibet Road between Solding Khud and Chanda Khud, miles 103-109, Simla District.	5,430	5,430
	(4) Widening road from 8 to 10 feet in miles 25 and 29 of the Multan-Loralai Road, Section II, Muzaffargarh District.	6,667	6,667
	Total Original Works—Communications in charge of the Buildings and Roads Branch—Minor Works.	20,765	20,765
	Total Original Works—Communications in charge of the Buildings and Roads Branch.	1,77,707	1,77,707
T.—Original Works—Communications in charge of the Communications Board.	Providing a combined road and railway bridge over the Suleimanke Weir.	77,000	77,000
G.—Reserve for unforeseen requirements—Communications.	Major Works ...	50,000	50,000
	Minor Works ...	75,000	(a) 75,000
	Total Reserve for unforeseen requirements—Communications	1,25,000	1,25,000

(a) This amount was reduced from Rs. 1,00,000 to Rs. 75,000.

Major and Minor heads.	Details of Project.	Total estimated cost.	Expend in 1923-
41—CIVIL WORKS.		Rs.	Rs
U—Repairs.			
F (b).—GENERAL ADMINISTRATION (RESERVED).	(1) Special Repairs in connection with Government House, Lahore (special repairs).	5,000	(a) 5,
	(2) Special Repairs in connection with "Barnes Court," Simla (special repairs).	5,000	(a) 5,
	(3) Local Government's Reserve for Unforeseen Repairs (special repairs).	5,000	5
	Total Repairs—General Administration (Reserved) ...	15,000	1
(*Transferred*).			
U.—Repairs—Buildings ...	Buildings (special repairs)	1,35,000	1,35
U.—Repairs—For Communications in charge of the Buildings and Roads Branch.	Communications (special repairs)	1,90,000	1,90
EE—Local Government's reserve for repairs.	Local Government's Reserve for Unforeseen Special Repairs	50,000	(b) 50
	Total Special Repairs (Transferred) ...	3,75,000	3,75
	TOTAL SPECIAL REPAIRS ...	3,90,000	3,90
XIII.—IRRIGATION, NAVIGATION, EMBANKMENT AND DRAINAGE WORKS FOR WHICH CAPITAL ACCOUNTS ARE KEPT.			
Deduct—Working expenses.			
Western Jumna Canal.			
Extensions and Improvements ...	(1) Constructing Qabulpur Minor	12,000	12
	(2) Extension of Muhammadpur Minor	25,000	25,
Maintenance and repairs	(3) Clearing Drain No. 8 from head to tail	43,628	43
Sirhind Canal.			
Extensions and Improvements ...	(4) Remodelling outlets (Ludhiana Division)	20,000	20,
	(5) Remodelling outlets (Ferozepore Division)	30,000	30,
Upper Bari Doab Canal.	...	*Nil.*	*Nil.*
Derajat Circle.			
Extensions and Improvements ...	(6) Defensive work in Dera Ghazi Khan Sub-Division ...	40,000	40,
	(7) Defensive work in Jampur Sub-Division	40,000	4

(a) The amount was reduced from Rs. 10,000 to Rs. 5,000.
(b) The amount was reduced from Rs. 75,000 to Rs. 50,000.

Major and Minor heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
		Rs.	Rs.
XIII.—IRRIGATION, NAVIGATION, EMBANKMENT AND DRAINAGE WORKS FOR WHICH CAPITAL ACCOUNTS ARE KEPT.			
b.			
Derajat Circle—concld.			
Extensions and Improvements ...	(8) Constructing Head Regulator and Escape for Dhundi Kutab Canal.	40,000	40,000
	(9) Constructing Dhal Minor of Sahiban Canal	16,000	16,000
	(10) Remodelling Kasturi Canal with Distributaries	15,000	15,000
	(11) Remodelling Nur Dhundi Canal	30,000	30,000
Central Workships Division	...	*Nil.*	*Nil.*
Discharge Division	...	*Nil.*	*Nil.*
Lower Jhelum Canal	...	*Nil.*	*Nil.*
Lower Chenab Canal (West)	...	*Nil.*	*Nil.*
Lower Chenab Canal (East)	...	*Nil.*	*Nil.*
Lower Bari Doab Canal.			
Extensions and Improvements ...	(12) Regulating arrangements to Bridge at R. D. 375,000 feet, Main Line.	26,850	23,500
	(13) Raising cill of Railway Bridge at R. D. 340,890 feet, Main Line.	14,000	14,000
	(14) Remodelling Gugera Branch and its Minors in Balloki and Okara Divisions.	20,000	20,000
	(15) Raising Left Flood Embankment and Right Flood Embankment to new scope.	20,000	20,000
	(16) Constructing Guide Bank from Spur No. 1 to left upstream guide bank.	10,000	10,000
	(17) Raising Main Line Bank R. D. 40,000 to R. D. 100,000 feet ...	15,000	15,000
	(18) Constructing flume type outlets of distributaries and minors in the Circle.	40,000	40,000
	(19) Protection of bridges in Okara Division	20,000	20,000
Upper Jhelum Canal.			
Extensions and Improvements ...	(20) Bridges over Falls and new Bridges over Distributaries and Minors, Phalia Division.	20,000	20,000
	(21) Other drains along canal boundary (Gujrat Division) ...	20,000	20,000
	Total ...	5,17,478	5,14,128

Major and Minor heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24
		Rs.	Rs.
XIII—IRRIGATION, NAVIGATION, EMBANKMENT AND DRAINAGE WORKS FOR WHICH CAPITAL ACCOUNTS ARE KEPT.			
Upper Chenab Canal.			
Extensions and Improvements ...	(1) Constructing Seepage Drains, Main Line Lower, Right, Gujranwala.	40,100	40,100
	(2) Constructing Seepage Drains, Main Line Lower, Left, Gujranwala.	20,400	20,400
	Total ...	60,500	60,500
15—OTHER REVENUE EXPENDITURE FINANCED FROM ORDINARY REVENUES.			
Derajat Circle.			
1.—WORKS	Constructing advanced flood embankment from Dholwah Regulator of Kot Sultan Canal.	80,000	40,000
	Total ...	80,000	40,000
55.—CONSTRUCTION OF IRRIGATION, NAVIGATION, EMBANKMENT AND DRAINAGE WORKS NOT CHARGED TO REVENUES—PROVINCIAL.			
Western Jumna Canal.			
I.—WORKS	...	*Nil.*	*Nil.*
Sirhind Canal.			
I.—WORKS	...	*Nil.*	*Nil.*
Upper Bari Doab Canal.			
I.—WORKS	(1) Remodelling Head Regulator at Madhopur*	3,19,118	2,00,000
Derajat Circle.			
I.—WORKS	(2) Constructing a Rest-House at Kharakwala with subsidiary buildings.	15,000	15,000
Central Workshops Division.			
I.—WORKS	(3) Constructing Residential quarters at Amritsar for Mechanical Engineer.*	12,915	12,915
Lower Jhelum Canal.			
I.—WORKS	...	*Nil.*	*Nil.*
Lower Chenab Canal (West).			
I.—WORKS	(4) Rafting Bays at Khanki Weir*	57,971	57,971
Lower Chenab Canal (East).			
I.—WORKS	(5) Irrigation of Pir Mahal Forest area*	2,00,000	50,000
Lower Bari Doab Canal.			
I.—WORKS	...	*Nil.*	*Nil.*
Upper Jhelum Canal.			
I.—WORKS	(6) Draining of Panjahn Rajo Khori tract by seepage drain into Budhi Nala (Gujrat Division).*	1,25,695	80,000
	Cart bridge at R. D. 283,500 feet, Main Line, Upper Jhelum Canal (Gujrat Division).*	40,000	40,000
	Total ...	7,70,699	4,55,886

* Subject to examination by the Finance Department before inclusion in the Demand for Grants.

Major and Minor heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
		Rs.	Rs.
55—CONSTRUCTION OF IRRIGATION, NAVIGATION, EMBANKMENT AND DRAINAGE WORKS NOT CHARGED TO REVENUES—PROVINCIAL.			
Upper Chenab Canal.	(1)		
I.—WORKS	Raising Bays 5, 6, 7 and 8 of Weir*	30,000	30,000
	(2)		
	Remodelling Main Line Upper, Upper Chenab Canal, for increasing the capacity to 15,000 cusecs.*	2,30,023	40,000
	(3)		
	Constructing Junior Clerks' Quarters at Sheikhupura* ...	74,200	64,000
	(4)		
	Constructing Senior Clerks' Quarters at Sheikhupura* ...	26,874	21,000
	(5)		
	Land required for new Minors of Kailaske Distributary	12,000	12,000
	(6)		
	Constructing Drains in Mank Sub-Division	26,392	20,000
	(7)		
	Remodelling Main Line Lower in Gujranwala Division* ...	2,81,850	1,50,000
	(8)		
	Remodelling Distributaries and raising banks in Gujranwala Division.*	90,000	90,000
	Total ...	7,71,339	4,27,000

* Subject to examination by the Finance Department before inclusion in the Demand for Grants.

Major and Minor heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
		Rs.	Rs.
55-A.—IRRIGATION WORKS.	SUTLEJ VALLEY PROJECT.		
(1) Productive.	BIKANER CIRCLE.		
SUTLEJ VALLEY PROJECT.	(1)		
I.—Works—K.—Buildings.	Constructing 1 Assistant Executive Engineer's quarters ...	22,000	16,500
	(2)		
	Constructing 1 Assistant Engineer's quarters	2[illegible],000	16,500
	FIRST BRITISH CIRCLE.		
	(3)		
	Constructing) Superintending Engineer's quarters. ...	28,000	19,600
	(4)		
	Constructing 4 Executive Engineers' quarters	1,12,000	78,400
	(5)		
	Constructing 4 Assistant Executive Engineers' quarters. ...	92,000	64,400
	(6)		
	Constructing 5 Assistant Engineers' quarters	1,15,000	80,500
	(7)		
	Constructing 5 Upper Subordinates' quarters	25,000	17,500
	(8)		
	Constructing 15 Senior Clerks' and Draftsmen's quarters ...	52,500	36,750
	(9)		
	Constructing 62 Junior Clerks' and Draftsmen's quarters ...	1,24,000	86,800
	(10)		
	Constructing 10 Tracers' quarters	20,000	14,000
	(11)		
	Constructing Dispensary and Sub-Assistant Surgeons' quarters	600	420
	SECOND BRITISH CIRCLE		
	(12)		
	Constructing 1 Superintending Engineer's quarters ...	28,000	18,[illegible]
	(13)		
	Constructing 5 Executive Engineers' quarters	1,40,000	93,800
	(14)		
	Constructing 7 Assistant Executive Engineers' quarters ...	1,61,000	1,07,870
	(15)		
	Constructing 10 Assistant Engineers' quarters	2,30,000	1,54,100

Major and Minor heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
		Rs.	Rs.
55-A.—IRRIGATION WORKS.	SECOND BRITISH CIRCLE—*concld.*		
(1) Productive—*concld.*	(16)		
SUTLEJ VALLEY PROJECT—*concld.*	Constructing 8 Upper Subordinates' quarters	40,000	26,800
I.—Works—K.—Buildings—concld.			
	(17)		
	Constructing 19 Senior Clerks' quarters	66,500	44,550
	(18)		
	Constructing 79 Junior Clerks' and Draftsmen's quarters ...	1,58,000	1,05,860
	(19)		
	Constructing 14 Tracers' quarters	28,000	18,760
	(20)		
	Constructing 3 Dispensary and Sub-Assistant Surgeons' quarters.	18,000	12,060
	THIRD BRITISH CIRCLE.		
	(21)		
	Constructing 1 Superintending Engineer's quarters ...	28,000	18,760
	(22)		
	Constructing 4 Executive Engineers' quarters	1,12,000	75,040
	(23)		
	Constructing 4 Assistant Executive Engineers' quarters ...	88,000	58,960
	(24)		
	Constructing 6 Assistant Engineers' quarters	1,32,000	88,440
	(25)		
	Constructing 2 Upper Subordinates' quarters	10,000	6,700
	(26)		
	Constructing 4 Senior Clerks' quarters	14,000	9,380
	(27)		
	Constructing 12 Junior Clerks' and Draftsmen's quarters ...	24,000	16,080
	(28)		
	Constructing 4 Tracers' quarters	8,000	5,360
	(29)		
	Constructing 2 Dispensary and Sub-Assistant Surgeons' quarters.	12,000	8,040
	Total ...	19,10,600	13,00,690

2. The Committee advised against the inclusion of the following items in the estimates for 1923-24 :—

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	AMOUNT TO BE SPENT DURING THE YEAR.	
		Non-recurring.	Recurring.
24-C—ADMINISTRATION OF JUSTICE.		Rs.	Rs.
Civil and Sessions Courts.			
DISTRICT AND SESSIONS JUDGES.			
Pay of Establishment	Sixty-six apprentices for the courts of District Judges at Rs. 25 per mensem each.	...	19,800

Major and Minor heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
41—CIVIL WORKS.		Rs.	Rs.
Original Works—Buildings.			
F (a)—GENERAL ADMINISTRATION (TRANSFERRED).	Electric installations in— (1) Residence of the Commissioner, Ambála ... Rs. 3,671; (2) Residence of the Head Clerk, Commissioner's Office, Ambála 1,706	5,377	5,377
H—JAILS AND CONVICT SETTLEMENTS.	(1) Providing iron gratings and grated doors in place of wooden ones in the District Jail, Jhang.	11,479	11,479
	(2) Improvement to drainage in the Central Jail, Montgomery ...	25,247	25,247
	(3) Proposed 20 feet diameter well for the garden in the Central Jail, Multán.	7,150	7,150
	Total	43,876	43,876
I.—POLICE	Erection of an additional barrack in the Police Lines at Kaithu, Simla.	30,000	30,000
Q.—CIVIL WORKS	(1) Sinking one cusec tube well in the Rasul School of Engineering, Gujrát District.	9,335	9,335
	(2) Electric lights and fans in— (1) Residence of Executive Engineer, Ambála ... Rs. 2,447; (2) Residence of Superintending Engineer, 2nd Circle, Ambála 3,006	5,553	5,553
	Total	14,888	14,888

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	AMOUNT TO BE SPENT DURING THE YEAR.	
		Non-recurring.	Recurring.
41.—CIVIL WORKS.		Rs.	Rs.
V—Establishment.			
COMMUNICATIONS BOARD.			
Pay of Officers	Machinery Inspector	...	4,710
Pay of Establishment	One clerk for above	...	504
Travelling Allowance	Machinery Inspector and Staff	...	2,500
Supplies and Services	Rent	...	2,400
Contingencies	Machinery Inspector	...	2,286
	Total	...	12,400

Major and Minor heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
41.—CIVIL WORKS.		Rs.	Rs.
T—Original Works.	MAJOR WORKS.		
COMMUNICATIONS IN CHARGE OF THE BUILDINGS AND ROADS BRANCH.	Widening Railway Overbridge in mile 278, Grand Trunk Road, Amritsar District.	70,000	70,000
	Constructing III Section of the Larji-Mandi Road from Oet Behali to Sultanpore.	2,00,000	2,00,000
	Total ...	2,70,000	2,70,000

3. The Committee advised that the estimates in respect of the following item be cut down before it is included in the budget estimates for 1923-24 :—

Major and Minor heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
41.—CIVIL WORKS.		Rs.	Rs.
Original Works—Buildings.			
GENERAL ADMINISTRATION ...	Restoration of the District Court Buildings, Siálkot ...	1,00,020	1,00,020

4. The following items being non-voted were not considered by the Committee :—

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year. Non-recurring.	Recurring.
24-A.—ADMINISTRATION OF JUSTICE.		Rs.	Rs.
High Court.	(1)		
Pay of Officers	Three Additional Judges at Rs. 4,000 per mensem ...	...	1,44,000
	(2)		
	One Inspecting Judge for 6 months at Rs. 4,000 per mensem	24,000	...

5. The Committee advised in favour of the submission of supplementary demands to the Legislative Council in respect of the following items :—

(*i*) Expenditure of Rs. 1,47,000 on account of additional grant for Pleaders' and Public Prosecutors' fees (Agenda item 16).
Head 24—Administration of Justice.—Law Officers.

(*ii*) Expenditure of Rs. 1,01,886-9-0 on the supply of blankets for the use of Akali prisoners (Agenda item 17).
Head 25—Jails and Convict Settlements—Jails—Supplies and Services.

6. The Committee adjourned till the 23rd January 1923.

MILES IRVING,
Secretary to Government, Punjab,
Finance Department.

The 11th January 1923.

1844 PGG

The 29th January 1923

No. 3.—The following proceedings of a meeting of the Standing Finance Committee of the Punjab Legislative Council are published for general information.

ABNASHA SINGH,
Secretary, Punjab Legislative Council,

Proceedings of a meeting of the Standing Finance Committee of the Legislative Council, Punjab, held at 10 a.m. at Lahore on Tuesday and Wednesday, the 23rd and 24th January 1923.

PRESENT:

The Hon'ble Sir JOHN MAYNARD, K.C.I.E., C.S.I.—*President*.
The Hon'ble Sardar Bahadur Sardar SUNDAR SINGH MAJITHIA.
The Hon'ble Khan Bahadur Mian FAZL-I-HUSAIN.
The Hon'ble Lala HARKISHAN LAL.
Diwan Bahadur Raja NARENDRA NATH, M.L.C.
Sardar DASAUNDHA SINGH, M.L.C. (on 23rd only).
Sardar RANDHIR SINGH, M.L.C.
Malik FEROZ KHAN NUN, M.L.C.

1. The proceedings of the last meeting were confirmed.

2. The Committee considered proposals for new expenditure for the year 1923-24 under the following heads of account and advised in favour of the items given below being included in the estimates for 1923-24 :—

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	AMOUNT TO BE SPENT DURING THE YEAR. Non-recurring.	Recurring.
		Rs.	Rs.
22-C—GENERAL ADMINISTRATION. Civil Secretariat. *Pay of Officers*—			
Deputy Secretary ...	One post of Deputy Secretary, Finance Department, in the Punjab on Rs. 800—50—1,200 in place of an Under-Secretary, Finance, on Rs. 1,750 per mensem (non-voted).	...	8,800 (voted)

Major head.	Particulars of Scheme.	Amount to be spent during the year.
		Rs.
31—EDUCATION.	RECURRING.	
Recurring—Transferred ...	(1) Grants to Local Bodies for the expansion of Vernacular education.	5,00,000
	(2) Grants to Local Bodies for the maintenance of Anglo-Vernacular middle schools maintained by them.	1,00,000
	(3) Maintenance grants to aided schools	1,00,000
	(4) Appointment of Additional Assistant Inspectors of schools.	21,000
	(5) Additional stipends for Normal schools	7,200
	(6) Creation of ten stipends for women studying for University language examinations.	1,650

Major head.	Particulars of Scheme.	Amount to be spent during the year.
		Rs.
31—EDUCATION.	RECURRING—CONCLUDED.	
Recurring—Transferred—concld.	(7) Provincialisation of clerical and menial establishments of District Inspectors.	41,400
	(8) Grant to Y. M. C. A. hostel for Indian students in London.	3,000
	(9) Provincialisation of 17 Board high schools ...	2,06,600
	(10) Opening of Industrial centre at Government high school, Jagadhri.	1,735
	(11) Increase from Re. 1 to Rs. 2 per mensem of the local allowance drawn by the menial and inferior servants serving at Lahore and other expensive stations.	2,800
	(12) Reorganisation of the Women's Educational Service ..	8,500
	(13) *Scholarships to soldiers' children	3,07,000
	(14) Local allowance to Non-Gazetted Establishments at Murree, Kasauli, Dalhousie, Dharmsala and Kulu Sub-Divisions.	22,705
	Total Transferred ...	13,23,590
Recurring—Reserved ...	(15) Salary grants to Aided schools	10,000
	(16) Appointment of second Compounder at Lawrence School, Ghora Gali.	440
	Total Reserved ...	10,440
	GRAND TOTAL (RECURRING) ...	13,34,030
	NON-RECURRING.	
Non-Recurring—Transferred ...	(1) Building grants to District Boards for vernacular schools	5,00,000
	(2) New equipment for Government Educational institutions	5,000
	(3) Appointment of Additional District Inspectors (Tents and Equipment).	6,800
	(4) Establishment of clerical centres	18,630
	(5) Equipment for Provincialised Schools	65,000
	( ) Training of teachers for Domestic Science	2,500
	(7) Equipment for University Laboratory	1,00,000
	TOTAL NON-RECURRING ...	7,00,930

*The Committee advised that a claim should be made on the Government of India in respect of item (13).

Major and Minor heads. Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year. Non-recurring	Amount to be spent during the year. Recurring.
		Rs.	Rs.
32—Medical **Medical Establishment.** DISTRICT MEDICAL OFFICERS.			
Other Allowances and Honoraria.	(1) Local allowance to Non-Gazetted Establishments at Murree, Kasauli, Dalhousie, Dharamsala and Kulu Sub-Divisions.	...	1,100
	Total Medical Establishment ...	..	1,100
Hospitals and Dispensaries.			
MAYO HOSPITAL, LAHORE.			
Supplies and Services— Purchase of Chemicals and Apparatus.	(2) Provision of X-Ray Apparatus in the Mayo Hospital, Lahore.	13,500	1,500
MUFASSIL HOSPITALS AND DISPENSARIES.			
Contingencies— Equipment of Police Hospitals.	(3) Equipment of Police Hospitals in the province ...	36,000	...
Pay of menials ...	(4) Increase from Rs. 1 to Rs 2 per mensem of the local allowance drawn by the menial and inferior servants serving at Lahore and other expensive stations.	...	3,600
GRANTS TO HOSPITALS AND DISPENSARIES.			
Grants to District Boards and Municipalities for improving and equipping existing dispensaries.	(5) Grant to the Lady Popham Young Caravan Dispensary, Rawalpindi.	...	1,000
	(6) Grant to District Board, Jullundur, for maintaining existing Hospitals and Dispensaries.	...	2,588
	Total Hospitals and Dispensaries ...	49,500	8,688
GRANTS FOR MEDICAL PURPOSES.			
Grant to the Punjab States Medical Faculty.	(7) Grant to Punjab State Medical Faculty ...	...	10,000
Medical Schools.			
Pay of Establishment ...	(8) Appointment of a fourth Laboratory Assistant ...	...	720
Supplies and Services— Purchase of Instruments and Chemicals.	(9) Purchase of Chemicals and Apparatus for the Chemical and Physics Laboratories of the Medical School, Amritsar.	30,000	...
	Total Medical Schools ...	30,000	720
Medical College.			
Supplies and Services ...	(10) Extra bench accommodation in practical class rooms, King Edward Medical College.	15,705	...
	(11) Chemicals and apparatus for practical class rooms in the King Edward Medical College.	42,395	...
	(12) Practical training in Midwifery of the students of the King Edward Medical College, Lahore, at the Government Maternity Hospital, Madras.	...	7,800
	Total Medical College ...	58,100	7,800
	TOTAL 32—MEDICAL ...	1,37,600	28,308
33-A.—PUBLIC HEALTH. **Public Health Establishment.**			
Clerks ...	(1) Typist on Rs. 40—2—80 2—90 for the office of the Assistant Director of Public Health Northern Range and Punjab Vaccine Institute.	...	440
Contingencies—			
Pay of menials ...	(2) Increase from Re. 1 to Rs. 2 per mensem of the local allowances drawn by menial and inferior servants serving in Lahore and other expensive stations.	...	300
Grants for Public Health purposes.	(3) Grant for Health School, Lahore Maternity and Child Welfare.	...	3,000
	Total 33-A—PUBLIC HEALTH ESTABLISHMENT ...	...	3,740

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	AMOUNT TO BE SPENT DURING THE YEAR. Non-recurring.	Recurring.
34-A—AGRICULTURE.			
Agriculture.		Rs.	Rs.
SUPERINTENDENCE			
Contingencies— Pay of menials ..	(1) Provision on account of an increase from Re. 1 to Rs. 2 per mensem of the local allowance drawn by menial and inferior serants serving in Lahore and other expensive stations.	...	2,600
OTHER SUPERVISING ESTABLISHMENT.			
Pay of Establishment—			
Clerks and Servants ..	(2) Establishment for the office of the Deputy Director of Agriculture, Muzaffarabad, or other typically South-West Punjab District— 3 Clerks ... Rs. 215·8 per mensem. Menials ... 74· per mensem. Total ... 289·8 per mensem. or 3,477·6 per annum ...	...	3,478
	(3) Orderlies for the new five Indian Agricultural Service officers.	...	550
Other Allowances and Honoraria ..	(4) Local allowances to Non-Gazetted Establishments at Murree, Kasauli, Dalhousie, Dharamsala and Kulu Sub-Divisions.	...	200
Travelling Allowance ...	(5) Travelling Allowance of the 4th Deputy Director of Agriculture and Establishment.	...	2,000
	(6) Travelling Allowances of orderlies for the five Indian Agricultural Service officers.	...	200
Contingencies ...	(7) Contingencies of the office of the 4th Deputy Director of Agriculture— Rs. 1. Books and Periodicals ... 200 2. Purchase and repairs of Furniture .. 800 3. Other charges ... ... 500 4. Stationery ... ... 200 5. Postage and Telegrams ... ... 500 6. Rents, Rates and Taxes ... 600 7. Hot and Cold Weather charges ... 200 Total ... 3,000	...	3,000
	(8) Contingencies for the new five Indian Agricultural Service officers.	...	250
Supplies and Services ...	(9) Supplies and services of the 4th Deputy Director of Agriculture— Rs. 1. Purchase and repairs of Tents ... 1,000 2. Carriage of Demonstrators and Implements ... ... 500 3. Variable labour ... ... 500 Total ... 2,000	2,000	...

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year	
		Non-recurring.	Recurring.
		Rs.	Rs.
34-A—AGRICULTURE.			
Agriculture.			
OTHER SUPERVISING ESTABLISHMENT—*concld.*			
Scholarships	(10) Establishment of a research scholarship ...	...	8,050
AGRICULTURAL EXPERIMENTS.			
Pay of Establishment ...	(11) Additional Well-boring Establishment	...	14,135
Travelling Allowance ...	(12) Travelling Allowance for Additional Well-boring Establishment.	...	600
Contingencies ...	(13) Contingencies for Additional Well-boring Establishment.	...	265
	(14) Working of Layllpur Wheat Elevator from 14th May 1923.	...	16,200
	(15) Compensation for improvements for the 12th Cavalry Run at Lyallpnr and the 8th Cavalry Run of Sargodha which Government is taking over for its own purpose (Agriculture Station).	31,532	...
Supplies and Services ...	(16) Purchase of Well-boring Machinery	60,000	...
	(17) Purchase of pipes	15,000	...
	(18) Purchase of sheet metal cutter	9,395	...
	(19) Purchase of new Lathe	5,550	...
	Total ...	1,23,477	51,523
34-B—AGRICULTURE.			
Veterinary Charges.			
VETERINARY INSTRUCTION.			
Scholarihips	(1) Three Government scholarships at Rs. 20 per mensem for the whole year and 3 similar scholarships for 5 months.	...	1,020
Pay of Officers	(2) Construction of a fourth appointment in the Professorial staff (Provincial cadre) of the Punjab Veterinary College, Rs. 200—750.	...	2,400
BREEDING OPERATIONS.			
Hariana Cattle Breeding Scheme ...	(3) Purchase of Harians bulls for Gurgaon and Rohtak District Boards.	10,000	...
	Veterinary Inspector on Rs. 120—170 with office allowance, traveling allowance and a peon.	...	3,000
	Total ...	10,000	6,420

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.		Amount to be spent during the year — Non-recurring.	Amount to be spent during the year — Recurring.
34-C—AGRICULTURE.				
Co-operative Credit.				
		Rs.		
Pay of Officers	(1) 2 Assistant Registrars on Rs. 300 per mensem each	... 6,600	..	6,600
Pay of Establishment—				
Inspectors and Sub-Inspectors ..	(2) 1 Inspector, 1st Grade, on Rs. 250 per mensem	... 2,750		
	2 Inspectors, 2nd Grade, on Rs. 200 per mensem each	... 4,400		
	3 Inspectors, 3rd Grade, on Rs. 150 per mensem each	.. 4,950		
	4 Inspectors, 4th Grade, on Rs. 100 per mensem each	... 4,400		
	Total Inspectors and Sub-Inspectors	... 16,500	...	16,500
Clerks and Servants ...	(3) Establishment for Second Deputy Registrar—			
	1 Camp Clerk on Rs. 40—2—80/2—90 per mensem	... 440		
	1 Peon on Rs. 14 per mensem ...	154		
	1 Tent-pitcher on Rs. 13 per mensem ...	143		
	(4) Establishment for Inspectors—			
	10 Camp Clerks for Inspectors on Rs. 40—2—80/2—90 per mensem each	... 4,400		
	10 Peons for Inspectors on Rs. 14 per mensem each ...	... 1,540		
	(5) Office Establishment—			
	1 Head Assistant on Rs. 100—6—160/8—200 per mensem ...	... 1,100		
	1 Head Despatcher on Rs. 75—5—100/5—125 per mensem ...	... 825		
	1 Assistant Record-keeper on Rs. 40—2—80/2—90 per mensem ...	440		
	(6) Establishment for Assistant Registrars—			
	2 Camp Clerks on Rs. 40—2—80/2—90 per mensem each	880		
	2 Peons on Rs. 14 per mensem each ...	308		
	2 Tent-pitchers on Rs. 13 per mensem each	286		
	(7) Establishment for Honorary Assistant Registrar—			
	1 Camp Clerk on Rs. 40—2—80/2—90 per mensem	440		
	1 Peon on Rs. 14 per mensem ...	154		
	Total Clerks and Servants	... 11,110	...	11,110
Supplies and Services... ...	(8) Contribution to Co-operative Union for propaganda and for audit of Agricultural Co-operative Credit Societies.		...	26,244
	Total	...	...	60,454

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	AMOUNT TO BE SPENT DURING THE YEAR. Non-recurring.	Recurring.
35—INDUSTRIES.		Rs.	Rs.
Direction.			
Contingencies—			
Pay of menials ...	(1) Increase from Re. 1 to Rs. 2 per mensem of the local allowance drawn by menial and inferior servants serving in Lahore and other expensive stations.*	...	1,000
Industrial Education.			
SCHOOL OF ARTS.			
Pay of Officers—			
Vice-Principal ...	(2) Additional cost involved by the appointment of a Vice-Principal for the School of Arts as successor to the present Vice-Principal.	...	2,100
	(3) Industrial School Inspector, 1 (Rs. 1,000)	...	12,000
	(4) Lithographer on Rs. 400—50—800 per mensem ..	...	6,000
	Assistant Lithographer on Rs. 200—25—500 per mensem ...	...	4,000
Contingencies	Contingencies for the Lithographer	...	2,800
Supplies and Services ...	Purchase of modern equipment of appliances ...	10,000	...
PUNJAB TECHNICAL COLLEGE, MOGHALPURA.			
Pay of Officers ...	(5) Professors 3 (Rs. 975 50—1,525) and Lecturers 5 (Rs. 250 - 25 - 10025—600.)	...	31,500
Pay of Establishment	(6) Rs. Foreman, 1 (Rs. 500) ... ... 6,000 Motor Mechanic, 1 (Rs. 250) ... ... 3,000 Shop Assistants 3 (Rs. 100) ... ... 2,400 Laboratory Attendant ... ... 960 Clerks—1 (Rs. 70), 1 Rs. 40)... ... 1,320 Servants ... ... 1,800 Total ... 15,480	...	15,480
Supplies and Services	Payment for work done by students	...	7,300
Contengencies	Contingencies ... ... 10,000 Lighting, etc. ... ... 6,000 Total ... 16,000	...	16,000

*Memo. was printed with the schedule under 22—General Administration - CDistrict Administration, which was passed by the committee on 8th January 1923.

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year. Non-recurring.	Recurring.
		Rs.	Rs.
35—INDUSTRIES.			
Industrial Education.			
RAILWAY TECHNICAL SCHOOL (INCLUDING SCHOOL FOR THE BLIND).			
Pay of Establishment	(6) Appointment of addittional staff for improvement of the School— Masters ... ... Rs. 841 Servants 180		
Other Allowances and Honoraria ...	Allowance to School Clerk for performing the duties of Storekeeper. 240 Total ... 1,261	...	1,261
Supplie and Services	(7) Purchase of tools for Industrial Schools ...	20,000	...
(WEAVING.)			
WEAVING AND ZENANA INDUSTRIAL SCHOOL.			
Contingencies	(8) Purchase of additional machines ...	2,000	...
WEAVING	(9) Opening of 3 Weaving Schools at Ludhiana, Karnal and Kulu.	8,000	15,174
Contingencies	(10) Rent of Weaving School, Sialkot	...	540
STATE TECHNICAL SCHOLARSHIPS.	(11) Institution of a preliminary technical scholarship of Rs. 100 per mensem and an extension scholarship of Rs. 150 per mensem tenable in India by selected State Technical scholars and to provide for travelling allowance and incidental expenditure connected therewith.	...	2,500
CONTRIBUTIONS	(12) Contribution to Messrs. Tata & Sons, Limited, for training students from the Punjab.	...	6,000
SCHOLARSHIPS	(13) Stipends and Scholarships	...	6,888
Industrial Development.			
(DYING.)			
GOVERNMENT DYEING SCHOOL, LAHORE.	(14)		
Pay of Establishment	Pay of Establishment ... ... Rs. 5,500		
Travelling Allowance	Travelling Allowance 500		
Scholarships	Stipends 4,000		
Contingencies	Material and Power 2,000		
	Labour 1,500		
	Other continginciies 2,284		
	Menials 1,000		
	Total ... 16,784		
	Deduct the total provision under Contingencies for 1922-23 6,784		
	Total 10,000	...	10,000

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	AMOUNT TO BE SPENT DURING THE YEAR. Non-recurring.	Recurring.
		Rs.	Rs.
35—INDUSTRIES.			
Industrial Development—*concld.*			
TANNING AND LEATHER INDUSTRIES.			
Pay of Establishment	(15) Staff for Model Tannery at Shahdara		[illegible]
MISCELLANEOUS	(16) Appointment of three Flaying Instructors	...	[illegible]
EXHIBITIONS	(17) Expenditure on British Industries Exhibition	1,80,000	...
Contingencies	(18) Prizes and Medals	...	[illegible]
	Total ..	2,15,000	[illegible]
47.—MISCELLANEOUS ...	(1) Cost of the guarantee of an annual income from the trunk telephone lines to be erected between Lahore and Lyallpur, Ferozepore and Multan.	...	[illegible]
Special Commission of Enquiry ...	(2) Remuneration of Commissioners, their travelling allowance and office establishment employed under the rules framed under section 26 of the Sikh Gurdawara and Shrines Act, 1922 (Punjab Act VI of 1922)—		
	Rs.		
	1. Remuneration to Commissioners .. 10,000		
	2. Travelling Allowance 4,000		
	3. Establishment 6,000		
	20,000	20,000	...
	Total ...	20,000	[illegible]
41.—CIVIL WORKS.			
Original Works—Buildings.			
G.—ADMINISTRATION OF JUSTICE ...	(1) Lump sum provision for the construction of Lock-ups ...	...	[illegible]
	(2) Reserve for Minor Works	...	[illegible]
	Total ..	...	[illegible]

Major and Minor heads.	Details of Building.	Total estimated cost.	Expenditure in the year 1923-24.
41.–CIVIL WORKS.		Rs.	Rs.
Original Works–Buildings.	MAJOR WORKS.		
[illegible]–EDUCATION–(NON-EUROPEAN) ...	(1) Alterations and extensions to the boarding house of the Normal School, Karnal.	31,750 (Original Rs. 28,000 and Repairs Rs. 3,750).	31,750
	(2) Extension to the boarding house of the Normal School, Jullundur.	22,400	22,400
	(3) Construction of house for Vice-Principal, Central Training College, Lahore.	27,090	27,090
	(4) Construction of residential quarters for two Professors of the Central Training College, Lahore.	25,000	25,000*
	(5) Provision of isolation ward and approach road for the Preparatory School at the Queen Mary's College, Lahore.	20,700	20,700
	(6) Construction of buildings for Government College, Ludhiana (from current year).	4,25,000	2,00,000
	(7) Construction of Government High School at Ferozepore ...	1,36,000	1,36,000
	Total ...	6,87,940	4,62,940
[illegible]–EDUCATION–(EUROPEAN) ...	(1) Location of Chelmsford Training College at Ghora Gali ...	1,00,000	1,00,000
	(2) Construction of residential quarters for the Head Master, Lawrence School, Ghora Gali.	18,000	18,000
	Total ...	1,18,000	1,18,000
	MINOR WORKS.		
[illegible]–EDUCATION–(NON-EUROPEAN) ...	(1) Reroofing the middle school class rooms of the Government High School at Jagadhri.	4,200	4,200
	(2) Proposed metalling in the Central Model School, Lahore ...	4,340	4,340
	(3) Additional of a class room and an office room for the Junior Vernacular class in connection with the Government High School, Dharmsala.	6,000	6,000
	(4) Reserve	44,645	44,645
	Total ...	59,185	59,185
[illegible]–EDUCATION–(EUROPEAN) ...	Certain minor works in connection with the Lawrence School, Ghora Gali–		
	Rs.		
	(a) Preparation of site 1,073	11,883	11,883
	(b) Constructing a cowshed 4,960		
	(c) Tailor's shop 4,840		
	(d) Butcher's residence 410		
	Total ...	11,883	11,883

* This amount was reduced by the Committee from Rs. 46,140 to Rs. 25,000.

Major and Minor heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
		Rs.	Rs.
41—CIVIL WORKS.			
Original Works—Buildings.			
	MAJOR WORKS.		
M—MEDICAL	(1) Construction of a second hostel for the students of King Edward Medical College, Lahore.	3,24,000	2,00,00
	(2) Construction of residential quarters for the staff of the Indian Private and Family Wards of Mayo Hospital, Lahore.	90,781	50,00
	(3) Construction of an office for the Civil Surgeon, Amritsar	10,300	10,30
	Total ...	4,25,081	2,00,00
	MINOR WORKS.		
	(1) Buildings required for the teaching of Chemistry and Physics in the Medical School, Amritsar.	9,000	9,00
	(2) Certain alterations to the lavatories in the Indian Private and Family Wards, Mayo Hospital, Lahore.	544	54
	(3) Re-construction of a pucca irrigation channel along the retaining wall on the east side of the Research Block of the King Edward Medical College, Lahore.	1,421	1,42
	(4) Certain additions and alterations in the Civil Dispensary, Lahore.	1,184	1,18
	(5) Construction of a purdah wall and two-seated latrines in the house of the Superintendent of the King Edward Medical College Hostel, Lahore.	1,182	1,18
	(6) Certain additions and alterations in the quarters of the Assistant Surgeon attached to the Civil Hospital at Campbellpur, Attock District.	2,315	2,31
	(7) Inspector-General of Civil Hospitals' reserve ...	5,000	5,00
	Total ...	20,646	20,64
N—PUBLIC HEALTH	(1) Provision of (1) Reserve Water Tank, (2) Calf stables, (3) Calf operation room, (4) Floors and drains in the kitchen in administrative block, and racks for storing records at the Punjab Vaccine Institute at Murree.	9,114	9,11
	(2) Extension to the office of Director of Public Health, Punjab (combined offices), Lahore.	6,300	6,30
	(3) Grant for miscellaneous minor and petty works at the Punjab Vaccine Institutes at Lahore and Murree.	1,000	1,00
	Total ...	16,414	16,41

Major and Minor heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
		Rs.	Rs.
41—CIVIL WORKS.			
Original Works—Buildings—*concld.*			
	MAJOR WORKS.		
C—AGRICULTURE	Construction of three quarters for the Assistant Professors at Punjab Agricultural College, Lyallpur.	29,301	29,301
	MINOR WORKS.		
	(1) Erection of a Ginning factory at Hansi Agricultural Station, Hissar District.	6,209	6,209
	(2) Connection of latrines and urinals at the Punjab Veterinary College, Lahore, with the Municipal sewer.	9,002	9,002
	(3) Remodelling of bullock shed and mali quarters in the Lyallpur area into labourers' quarters.	1,973	1,973
	(4) Construction of a gate between the compounds of camels at Sohawa, Jhelum District.	144	144
	(5) Construction of feeding troughs in three camel sheds at Sohawa, Jhelum District.	330	330
	(6) Reserve for unforeseen works	10,000	10,000
	Total ...	27,658	27,658

3. The Committee advised in favour of the following item being transferred from the capital head "60—Civil Works" to the head "41—Civil Works" and included in the estimates for the year 1923-24:—

Major and Minor heads.	Details of Buildings.	Total estimated cost.	Expenditure in 1923-24.
		Rs.	Rs.
41—CIVIL WORKS.			
Original Works—Buildings.			
D—FORESTS	Construction of a building in the compound of the offices of the Forest Department, Lahore, to provide office accommodation for the Working Plans and Research and utlization personnel of the Forest Department, Punjab.	22,680	22,000

4. The Committee advised against the inclusion of the following items in the estimates for the year 1923-24:—

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	Amount to be spent during the year. Non-recurring.	Recurring.
		Rs.	Rs.
32—MEDICAL.			
Hospitals and Dispensaries.			
GRANTS TO HOSPITALS AND DISPENSARIES.			
Grants to District Boards and Municipalities for improving and equipping existing dispensaries.	Grant to the Municipal Committee, Simla, for the appointment of a Deputy Medical Superintendent for the Ripon Hospital at Simla.	...	9,000
35—INDUSTRIES.			
Industrial Development.			
TANNING AND LEATHER INDUSTRIES.			
MISCELLANEOUS	Appointment of a Cotton Expert	25,000	...

Major and Minor heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
		Rs.	Rs.
41—CIVIL WORKS.			
Original Works—Buildings.			
K—EDUCATION (NON-EUROPEAN)	Providing an enclosure wall round the Normal School at Ghakkar.	4,932	4,932
M—MEDICAL ...	Construction of new linen store-room for the Mayo Hospital, Lahore.	35,655	35,655
O—AGRICULTURE ..	Water-heating installation for the segregation and general dog ward at the Punjab Veterinary College, Lahore.	6,255	6,255

5. The Committee was equally divided on the inclusion of the following items of new expenditure in the estimates for 1923-24:—

Major head.	Particulars of Scheme.	Amount to be spent during the year.
	RECURRING.	Rs.
31—EDUCATION.		
Transferred ...	(1) Opening of colleges at Campbellpur, Gujrat and Lyallpur.	55,000
	NON-RECURRING.	
	(2) Opening of colleges at Campbellpur, Gujrat and Lyallpur.	66,000
	Total ...	1,21,000

Major and Minor heads.	Details of Project.	Total estimated cost.	Expenditure in 1923-24.
		Rs.	Rs.
41—CIVIL WORKS.			
Original Works—Buildings.			
K—EDUCATION (NON-EUROPEAN)	Extension to buildings for Intermediate Colleges at Lyallpur, Gujrat and Campbellpur.	72,000	72,000

6. The Committee offered no advice on the following item of new expenditure :—

Major and Minor heads, Primary units of appropriation and detailed head.	Particulars of Scheme.	AMOUNT TO BE SPENT DURING THE YEAR.	
		Non-recurring.	Recurring.
		Rs.	Rs.
26—POLICE.			
DISTRICT EXECUTIVE FORCE ...	Local allowances to Non-Gazetted Establishments at Murree, Kasauli, Dalhousie, Dharmsala and Kulu Sub-Divisions.	...	*70,000

* This provision is for two years.

7. The Committee advised in favour of the following expenditure being incurred in the current financial year :—

(1) Additional expenditure of Rs. 8,457 on telephone charges on account of increase in rental of telephone connections. (Agenda item 6).

Head 26—Police (Grant No. II)—

	Rs.
Superintendence—Contingencies ...	750
Criminal Investigation Department—Contingencies ...	711
Railway Police—Contingencies	190
District Executive Force—Contingencies	6,806

(2) Expenditure of Rs. 22,704-15-0 for compensatory local allowance to the non-Gazetted establishments of the Education Department stationed throughout the year at the hill stations of Murree, Kasauli, Dalhousie, Dharmsála and Kulu Sub-Divisions to be met by reappropriation from savings in the provision 'for Masters and Mistresses' under 31—B and C—Education—Government Schools—General. (Agenda item No. 9).

Head 31—Education—Allowances (Grant No. 13).

8. The Committee accorded approval to the following reappropriations :—

(1) Transfer of Rs. 5,63,000 from Head 31-A—University—Government Colleges—General (Grant No. 13) to Head 41—Civil Works—Original Works—K.—Educational Buildings (Grant No. 22), for the purchase of the property known as the Cathedral Girls' High School, Lahore. (Agenda item No. 7.)

(2) Transfer of Rs. 1,04,338, being the total provision for the Drainage Board during the current financial year from Head 33—Public Health (Grant No. 16) to Head 15—Other Revenue expenditure (Grant No. 6). (Agenda item No. 8.)

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PUNJAB AND ITS DEPENDENCIES.

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PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 28th February 1923.

No. 4.—The Punjab Fisheries (Amendment) Bill introduced in the Punjab Legislative Council on the 28th February 1923 is published under Rule 20 of the Punjab Legislative Council Rules:—

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

BILL NO. 1 OF 1923.

The Punjab Fisheries Amendment Bill.

[**Bill as introduced in the Council on the 28th of February 1923.**]

A Bill to amend the Punjab Fisheries Act, 1914.

Preamble.

WHEREAS it is expedient to amend the Punjab Fisheries Act, 1914, in the manner hereinafter appearing, it is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Punjab Fisheries (Amendment) Act, 192 .

(*2*) It shall come into force on such date as the Local Government may by notification appoint in this behalf.

Number of sections.

2. The sections referred to by number hereinafter mean the section as so numbered in the Punjab Fisheries Act, 1914, unless it appear to the contrary.

New section.

3. After section 2 the following new section shall be inserted namely:—

Definitions.

2-A. In this Act, unless there is anything repugnant in the subject or context—

(*1*) "Fishery Officer" means any person whom the Local Government or any officer empowered by the Local Government in this behalf may from time to time appoint by name, or as holding an office, to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Fishery Officer.

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(2) "Fishing offence" means an offence punishable under this Act or under any rule made thereunder.

Amendment of section 3.

4. (1) In sub-section (1) of section 3 the words "not being private waters" between the words "the waters" and the word "to" shall be omitted.

(2) In the same section sub-section (2) shall be omitted, and the subsequent sub-sections shall be renumbered (2), (3) and (4) respectively.

(3) To sub-section (2) as renumbered of the same section shall be added the following proviso, namely :—

Provided that no rule made under clause (a) of this sub-section shall be applied to any private water, and no rule made under clause (b) or clause (c) of this sub-section shall be applied to any private water which is permanently detached from public waters or in which no spawning usually takes place, without the consent in writing of the owner thereof or of any person having for the time being any exclusive right of fishing therein.

Amendment of section 4.

5. In section 4 for the words, figures and letters "section (3), (3) (b) and (c)" shall be substituted the words, figures and letters "clauses (b) and (c) of sub-section (2) of section (3)."

New section.

6. After section 7 the followiug new section shall be added, namely :—

Power to compound certain offences.

8. (1) The Local Government may by notification empower a fishery officer by name or as holding an office—

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any fishing offence as described in the first column of the Schedule a sum of money by way of compensation for the offence which such person is suspected to have committed, and on the payment of such sum to such officer the suspected person if in custody shall be discharged and no further proceedings shall be taken against him.

(b) when any property has been seized as liable to confiscation, to release the same without further payment, or on payment of the value thereof as estimated by such officer, and on the payment of such value such property shall be released and no further proceedings shall be taken in respect thereof.

(2) The sum of money acceptable as compensation under clause (a) of sub-section (1) shall in no case exceed the amount mentioned in the second column of the Schedule as the amount acceptable as compensation for the particular offence described in the first column of the Schedule.

THE SCHEDULE.

(See Section 8).

Maximum amounts acceptable as compensation for certain fishing offences under section 8.

Description of offence.	Maximum amount acceptable as compensation.
1. Fishing with a net having a smaller mesh than that prescribed under the rules made under the Act.	Rupees ten.
2. Damming a stream	Rupees ten.
3. Fishing without a license ...	Rupees ten.
4. Killing fish of a size or weight less than the standard prescribed under this Act	Rupees ten.
5. Killing any fish of a prohibited species during a close season.	Rupees ten.

STATEMENT OF OBJECTS AND REASONS.

Under the Indian Fisheries Act, 1897, and the Punjab Fisheries Act, 1914, certain offences are created prosecutions for which entail the attendance of the accused at distant Courts. The indirect additional punishment thereby inflicted is unnecessary for the purpose of securing compliance with the restrictive provisions of the Acts. It is proposed therefore to legalise a system of composition for fishery offences on the lines of section 67 of the Indian Forest Act.

The necessity of protecting fish during their spawning season is already recognised in the Punjab Fisheries Act, 1914, but in the case of private waters a close season can only be enforced with the consent in writing of the owners and other persons, the existence of whom is usually difficult to ascertain. It is proposed therefore to give Government the absolute power to enforce a close season in the case of private waters which it already exercises in the case of other waters. This step is the more desirable because the diversion of the waters of the rivers of the Province into the irrigation canals occasions a serious destruction of fish life, which is increased by the execution of each new Canal Project.

Notes on clauses are annexed.

E. R. ABBOTT,
Member in charge.

NOTES ON CLAUSES.

Clause 4 makes it unnecessary for Government to obtain the consent in writing of persons interested before enforcing a close season in the case of private waters.

Clause 5 is consequential on clause 4.

Clause 6 introduces under proper safeguards a power to compound for fishery offences.

N. HANCOCK PRENTER,
Secretary to Government, Punjab,
Legislative Department.

LAHORE :
The 17th February 1923.

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

The 28th February 1923.

No. 5.—The following report of the Select Committee on the Punjab Municipal (Amendment) Bill is published under Standing Order 44 (1) of the Punjab Legislative Council Standing Orders :—

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

Report of the Select Committee on the Punjab Municipal (Amendment) Bill.

WE, the members of the Select Committee appointed to consider the Punjab Municipal (Amendment) Bill, met on the 5th, 6th, 8th, 20th and 22nd January 1923. Pir Akbar Ali attended only the meetings on the 20th and 22nd and Sardar Kartar Singh only the meeting on the 22nd. Mr. Manohar Lal was unable to attand any meeting. We beg to submit our report as follows :—

1. The Legal Remembrancer was authorized to make all such drafting changes as, without prejudice to the matter of the Bill, might be necessary or desirable to bring the Bill into conformity with the accepted practice and usage of the Government of India. The changes made by him are immaterial and need not be detailed.

2. In clause 3 of the Bill should be inserted a new sub-clause (3), namely :—

" (3) In clause 10 of the same section the words, figures, letters and brackets ' Section 61-B (*h*) and ' shall be omitted "

and the following sub-clause re-numbered (4) accordingly.

In sub-clause (3), now re-numbered (4), of clause 3, for the words " the Deputy Sanitary Commissioner " the words " an Assistant Director of Public Health " should be substituted.

3. After clause 3 of the Bill should be inserted a new clause 4, namely :—

" 4. In section 11, for the word ' three ' the word ' five ' shall be substituted "

and the following clauses re-numbered accordingly.

4. In clause 5, now re-numbered 6, for the word " four " the word " two " should be substituted.

5. After clause 5, now re-numbered 6, should be inserted a new clause 7, namely :—

" 7 (1) In clause (*c*) of sub-section (1) of section 16, between the word ' has ' and the word ' absented, ' the words ' without reasonable cause in the opinion of the Local Government ' shall be inserted."

(2) To the same sub-section shall be added the following proviso, namely :—

" Provided that when the Local Government proposes to take action under the foregoing provisions of this section an opportunity of explanation shall be given to the member concerned "

and the following clauses re-numbered accordingly.

6. After clause 6, now re-numbered 8, should be inserted a new clause 9, namely :—

For sub-section (1) of section 32 shall be substituted the following sub-section, namely :—

" In the case of municipalities of the second class, the powers and functions of the Local Government under section 12 in regard to the appointment of members of committees, under clause (*b*) of section 14, under sections 15 and 17 and under sub-section (2) of section 31, and in the case of notified areas the powers and functions of the Local Government under section 242 in regard to theappointment of members of committees may be delegated by the Local Government to the Commissioner of the Division"
and the following clauses re-numbered accordingly.

7. In clause 7, now re-numbered 10, should be inserted a new sub-clause (3), namely :—

" (3) Between the figures 115 and the figures 117 the figures and letter 115-A and between the figures 118 and the figures 122, the figures 119 shall be inserted ; for the letter (*a*) after the figures 169, the letter (*c*) shall be substituted ; between the figures 211 and the figures 212, the word 'ard' shall be omitted ; between the figures 212 and the word 'in' the word and figures 'and 220' shall be inserted "

and the following sub-clause re-numbered accordingly.

In sub-clause (3), now re-numbered (4), of clause 7, now re-numbered 10 between the figures "39" and the figures "109", the figures "105" between the figures "115" and the figures "116", the figures and letter "115-A" and between the figures "118" and the figures "125," the figures "119" should be inserted.

For the comma after the figures 208, the word "and" should be substituted.

A comma should be inserted after the figures 211 and for the figures "212" the words and figures "the powers conferred on the committee under section 212, so far as they may be applicable" should be substituted.

8. After clause 10, now re-numbered 13, should be inserted a new clause 14, namely :—

"14. For sub-section (2) of section 44 shall be substituted the following sub-section, namely :—

"(2) In the absence of a written contract to the contrary, the committee may dispense with the services of any such person by giving the Local Government one month's previous notice "

and the following clauses re-numbered accordingly.

9. Sub-clause (1) of clause 11, now re-numbered 15, should be re-drafted as follows :—

"(1) In sub-section (1) of section 55, after the word "India" shall be inserted a comma, and for the remaining portion of the sub-section shall be substituted the following words, namely :—'or invest it in such other securities or place it in such other manner as the Local Government may approve in this behalf and with the previous sanction of the Commissioner vary such investment or placement for others of like nature".

10. For clause 12, now re-numbered 16, should be substituted the following clause, namely :—" For section 61, the following section shall be substituted, namely :—

Subject to any general or special orders which the Local Government may make in this behalf, and to the rules any committee may, from time to time, for the purposes of this Act, and in the manner directed by this Act, impose in the whole or any part of the municipality any of the following taxes, namely :—

(1) (*a*) a tax payable by the owner, on buildings and lands—

(*i*) not exceeding twelve and-a-half per centum on the annual value ;

(*ii*) not exceeding in the municipalities of Simla, Dharamsala, Dalhousie and Murree, one anna and four pies, and elsewhere one anna per square yard of the ground area ; or

(*iii*) not exceeding in the municipalities of Simla, Dharamsala, Dalhousie and Murree, four rupees and elsewhere three rupees, per running foot of frontage in streets or bazars :

Provided that in the whole or any part of the municipality of Simla there may be imposed both a tax on buildings and a tax on lands.

Provided further that in the case of lands and buildings occupied by tenants in perpetuity, the tax shall be payable by such tenants.

(*b*) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality ;

(*c*) a tax, payable by the owner, on all or any vehicles, animals used for riding, driving draught or burden, and dogs, when such vehicles, animals used as aforesaid, and dogs are kept within the municipality ;

(*d*) a tax, of the nature of a toll, on vehicles and animals used as aforesaid entering the municipality ;

Provided that—

(*i*) no such tax shall be levied in respect of any vehicle or animal for which a tax is paid under clause (*c*),

(*ii*) any owner of such vehicle or animal may compound for the tax by paying the corresponding tax under clause (*c*) if such tax is in force in the municipality ;

(*e*) a tax, payable by the employer, on menial domestic servants ;

(*f*) a tax, payable by the occupier of any building in respect of which the committee has, in exercise of the powers conferred by sections 159 to 165 of this Act, undertaken the house scavenging.

Provided that a committee shall not impose any tax without the previous sanction of the Local Government when—

(*i*) it consists of members less than three-fourths of whom have been elected, or

(*ii*) its cash balances have, at any time within the three months preceding the date of the passing of the resolution imposing the tax, fallen below Rs. 20,000 or one-tenth of the income accrued in the previous financial year, whichever amount shall be less.

(2) Save as provided in the foregoing clause, with the previous sanction of the Local Government any other tax which under rules made under clause (*a*) of sub-section (3) of section 80-A of the Government of India Act, a local authority may be authorized to impose by any law made by the local legislature without the previous sanction of the Governor-General.

(3) With the previous sanction of the Local Government and of the Governor-General in Council any tax.

11. In article (*a*) of sub-clause (1) of clause 13, now re-numbered 17, the brackets and words " if any " after the word " order " should be omitted.

For the word and figure "sub-section (3)," the word and figure "clause 1" as re-numbered should be substituted.

12. In clause 18, now re-numbered 22, sub-clause (2) should be re-numbered (3) and sub-clause (3) should be re-numbered (2) and the said sub-clauses should be transposed accordingly.

In sub-clause (2), now renumbered (3), of the same clause between the word "boundary" and the words "the words", the words "wherever they occur", should be inserted.

13. In clause 19, now re-numbered 23, for the words "a lump payment" the words "the payment of a lump sum" should be substituted.

For the word "of" between the word "area" and the word "the" the words "controlled by" should be substituted.

14. In sub-clause (2) of clause 20, now re-numbered 24, after the word "President" a comma should be inserted followed by the words "a Vice-President."

15. In sub-clause (3) of clause 21, now re numbered 25, the words "chemically or bacteriologically" should be omitted.

16. Clause 23 should be omitted and the following clauses re-numbered accordingly.

17. In clause 25, now re-numbered 28, the words "or both" should be inserted after the word "drained."

18. To clause 27, now re-numbered 30, should be added a new sub-clause (4), namely :—

"(4) Between the words "trade in" and the word "hay" shall be inserted the words "unslaked lime."

19. After clause 29, now re-numbered 32, should be inserted two new clauses 33 and 34, namely :—

"33. For sub-section (1) of section 124 shall be substituted the following sub-section, namely :—

"(1) No person shall use or employ in any factory or other place any steam whistle or steam trumpet for the purpose of summoning or dismissing workmen or persons employed, without the written permission of the committee in granting which the committee may impose such conditions as it may deem proper as to the times at which the whistle or trumpet may be used."

34. In sub-section (2) of section 128, for the word "twenty" the word "fifty" shall be substituted,

and the following clauses should be re-numbered accordingly.

20. In clause 36, now re-numbered 41, between the words "has directed" and the word "that" should be inserted the words "or may direct."

21. In clause 38, now re numbered 43, for the word "and" after the word "employer" should be substituted the word "or."

22. To clause 39, now re-numbered 44, should be added the following new sub-clause (*c*), namely :—

"(*c*) may close temporarily any public street or any part thereof for any public purpose" and the following sub-clauses re-lettered accordingly.

23. In clause 40, now re-numbered 45, for sub-section (3) of section 170-A. should be substituted the following sub-section, namely :—

"(3) Whoever contravenes the provisions of sub-section (1) or fails to comply with the terms of a notice under sub-section (2) shall be punishable with fine which may extend to fifty rupees, and when the contravention or non-compliance is a continuing one, with a further fine which may extend to five rupees for every day after the first during which the contravention or non-compliance continues."

In section 170-C, for the words " fourteen days " the word " one month " should be substituted.

In section 170-D, after the word " level ", the words " metalling, paving ", should be inserted.

24. For clause 42, now re-numbered 47, should be substituted the following clause, namely :—

" 47 (1) In clause (*c*) of sub-section (1) of section 173 between the word " deposits " and the word " building " shall be inserted the words " or causes to be deposited. "

(2) Between the word " subsidence " in clause (*d*) of the same sub-section and the word " shall " shall be inserted a new clause (*e*), namely :—

" (*e*) erects or sets up any fence, post, stall or scaffolding in any public street."

(3) In clause (*i*) of sub-section (2) of the same section between the word " police " and the word " any " the words " or any other agency " and after the word " merchandise " the words " and any such fence, post, stall or scaffolding " shall be inserted.

(4) In clause (*ii*) of the same sub-section, the words " and the expense of such restoration shall be recoverable from the offender " shall be omitted.

(5) To the same sub-section shall be added the word " and " and the following new clause, namely :—

" (*iii*) recover the expenses incurred by the committee under this sub-section from the offender. "

25. In clause (*a*) of sub-section (2) of clause 43, now re-numbered 48, for the word " and " the word " or " should be substituted.

26. To clause 44, now re-numbered 49, should be added the following new sub-clause 1, namely :—

" (1) The brackets and figure 1 prefixed to section 188 shall be omitted " and the following sub-clauses re-numbered accordingly.

In sub-clause (5), now re-numbered (6), after the word " goods" the words " or animals " should be added.

After sub-clause (6), now re-numbered (7), should be added the following new sub-clause (8), namely :—

" (8) After clause (*s*) of the same section shall be inserted the following new clauses, namely :—

(*t*) render licenses necessary for handcarts used for hawking articles for sale ;

(*u*) regulate the conditions on which permission may be given under sub-section (1) of section 173 and provide for the levy of fees and rent for such permission ; "

and the following clause (*t*) shall be re-lettered (*v*).

27. After clause 48, now re-numbered 53, should be added the following new clause, namely :—

"54. After section 195 shall be added the following new section, namely :—

"195-A. (1) Where a building is begun as described in section 195 but not completed, the committee may within six months by notice require the building operations to be discontinued from the date of the service of such notice.

(2) Any person failing to comply with the terms of such notice shall be punishable with a fine which may extend to one thousand rupees and when the non-compliance is a continuing one, with a further fine which may extend to fifty rupees for every day after the first during which the non-compliance continues.

28. In sub-clause (4) of clause 49, now re-numbered 55, after the word "licenses," the words "and the levying of fees therefor" should be inserted.

29. In clause 50, now re-numbered 56, for the words "to which the Wild Birds and Animals Protection Act, 1912, applies shall, whether dead or alive, be possessed or sold within a Municipality situate in an area to which the said Act has been extended during the close time" the words "in respect of which any close time has been notified by the Local Government under section 3 of the Wild Birds and Animals Protection Act, 1912, shall, whether dead or alive, be possessed or sold during such close time within any municipality" should be substituted and for the word "animal" between the word "under" and the word "license" the word "annual" should be substituted.

30. In clause 51, now re-numbered 57, after the word "substituted" the words "and the brackets and figure 1 after the figures 188 shall be omitted" should be added.

31. To clause 52, now re-numbered 58, should be added the following new sub-clause, namely :—

"(1) In sub-section (1) of section 215, after the words "behalf and" the words "every such notice and every order made under section 193" shall be inserted and the present clause re-numbered sub-clause (2).

32. To clause 61, now re-numbered 67, should be added the following new sub-clauses, namely :—

(1) In sub-section (1) of section 240, for the words "for which it considers that a form should be provided and may make rules consistent with this Act", the words "and may make any rules consistent with this Act to carry out the purposes thereof and in particular and without prejudice to the generality of the foregoing power may make rules" shall be substituted.

(2) For clause (*n*) of the same sub-section, the following clause shall be substituted, namely :—

"(*n*) As to the procedure to be observed for the employment, punishment, suspension or removal of officers and servants of the committee and as to appeals from orders of punishment or removal"

and the present clause should be numbered as sub-clause (3).

33. The Select Committee are of opinion that the changes made in the Bill are extensive, in particular new clauses amending sections not originally

amended in the Bill have been introduced, and the Bill as amended should be re-published. A copy of the amended Bill is annexed. The Bill was originally published on the 20th October 1922.

NOTE.—The Select Committee are unanimously of opinion that a separate Bill should be drafted so as to provide for the appointment of an Executive Officer as in the Presidency towns.

FAZL-I-HUSAIN.
J. G. BEAZLEY.
A. LATIFI.
K. L. RALLIA RAM.
AKBAR ALI.
KARTAR SINGH.
MEHDI SHAH.
YUSAF SHAH.
* GANPAT RAI.
*HARI CHAND.
N. HANCOCK-PRENTER.

LAHORE:
The 14th February 1923.

NOTE OF DISSENT.

Clause (5).—In my opinion the nominated element should not exceed 1/5th.

Clause (6).—I do not agree to the new section 12-A. The oath of allegiance should only be confined to Legislative Councils. It need not be extended to municipalities as it will cause unnecessary bitterness. Moreover, the oath of allegiance even in England is not enforced in the County Councils and similar other Institutions.

Clause (17).—I am not inclined to agree to the change introduced in new clause (*a*) to section 62.

Clause 47 (3).—I do not agree to the retention of the words "by police" but recommend its omission as in the original draft. The time has come when municipalities should not employ "police" for carrying out this sort of work.

Clause 48.—No such change is necessary till compulsory education has been introduced in all municipalities.

Clause 51 (*b*).—I do not agree to words "six maunds" and will suggest "twenty maunds, except for purpose of trade".

Clause 55.—I do not agree to any amendment of section 197. This is very strongly objected to by the trades people.

Clause 64.—(1) In my opinion every order of Committee should be made appealable.

(2) In Clause (*c*) of sub-section (1) I will add section 152 also.

GANPAT RAI,
12-2-1923.

NOTE OF DISSENT.

I consent Municipal (Amendment) Bill, except some clauses.

HARI CHAND,
17-2-1923.

* Subject to a note of dissent.

ANNEXURE TO THE REPORT.

[Bill as introduced in the Council on the 30th of October 1922.]

Bill to amend the Punjab Municipal Act, 1911.

Preamble.

WHEREAS it is expedient to amend the law relating to municipalities in the Punjab in the manner hereinafter appearing and whereas the previous sanction of the Governor-General has been obtained under sub-section (*3*) of section 80-A of the Government of India Act, it is hereby enacted as follows :—

Short title, and commencement.

1. (*1*) This Act may be called the Punjab Municipal (Amendment) Act, 192 .

(*2*) It shall come into force on such date as the Local Government may by notification appoint in this behalf.

Numbers of sections.

2. The sections referred to by number hereinafter mean the sections as so numbered in the Punjab Municipal Act, 1911, unless it appear to the contrary.

Amendment of section 3.

3. (*1*) In sub-section (2) of section 3 the words "the whole or any part of" shall be inserted between the words "means" and "any."

(*2*) In sub-section (7) of the same section a comma followed by the word "tuberculosis" shall be inserted after the word "small-pox"

(*3*) At the end of the same section the following sub-sections shall be added, namely :—

"(15) 'Medical Officer of Health' shall include the Deputy Sanitary Commissioner and such other person as the Local Government may by notification appoint as Medical Officer of Health, and

"(16) 'factory' shall have the meaning assigned to it in the Indian Factories Act, 1911." XII of 1911.

Amendment of section 12.

4. In the proviso to section 12 the words "who are salaried officers of Government" shall be omitted and for the words "one-third" shall be substituted the words "one-fourth."

New section.

5. After section 12, the following new section shall be inserted, namely :—

Oath of allegiance.

"12-*A*. Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected or appointed to be a member of a municipal committee shall before taking his seat take or make, at a meeting of the said committee, an oath or affirmation of his

Bill as amended by the Select Committee.

(The changes made are shown in italics).

An Act to amend the Punjab Municipal Act, 1911.

Preamble.

WHEREAS it is expedient to amend the law relating to municipalities in the Punjab in the manner hereinafter appearing and whereas the previous sanction of the Governor-General has been obtained under sub-section (*3*) of section 80-A of the Government of India Act, it is hereby enacted as follows :—

Short title, and commencement.

1. (*1*) This Act may be called the Punjab Municipal (Amendment) Act, 192 .

(*2*) It shall come into force on such date as the Local Government may by notification appoint in this behalf.

Numbers of sections.

2. The sections referred to by number hereinafter mean the sections as so numbered in the Punjab Municipal Act, 1911, unless it appear to the contrary.

Amendment of section 3.

3. (*1*) In *clause* (2) of section 3 the words "the whole or any part of" shall be inserted between the word "means" and *the word* "any".

(*2*) In *clause* (7) of the same section a comma followed by the word "tuberculosis" shall be inserted after the word "small-pox."

(3) In clause (10) of the same section the words, figures, letters and brackets "section 61-B (h) and" shall be omitted.

(*4*) At the end of the same section the following *new clauses* shall be added, namely :—

"(15) 'Medical Officer of Health' shall include *an Assistant Director of Public Health* and such other person as the Local Government may by notification appoint as Medical Officer of Health, and

"(16) 'factory' shall have the meaning assigned to it in the Indian Factories Act, 1911. XII of 1911.

Amendment of section 11.

4. *In section 11 for the word "three" the word "five" shall be substituted.*

Amendment of section 12.

5. In the proviso to section 12 the words "who are salaried officers of Government" shall be omitted and for the words "one-third" shall be substituted the words "one-fourth."

New section.

6. After section 12, the following new section shall be inserted, namely :—

Oath of allegiance.

"12-*A*. Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected or appointed to be X of 1873 a member of a municipal committee shall before taking his seat take or make, at a meeting of the said committee, an oath or affirmation

allegiance to the Crown, in the following form, namely :—

" I, *A. B.*, having been $\frac{\text{elected}}{\text{appointed}}$ a member of this committee do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, His heirs and successors and that I will faithfully discharge the duty upon which I am about to enter."

Provided that if any such person omits or refuses to take or make such oath or affirmation, his election or appointment as the case may be shall be deemed to be invalid, and in the case of such invalid election the person if any who obtained the next largest number of votes from amongst those who failed to secure election, shall be deemed to have been duly elected, or if the election was uncontested, a fresh election shall be held, or in the case of such invalid appointment the Local Government shall appoint another person in the manner prescribed in section 12. No person whose election or appointment has been deemed to be invalid under this section shall be eligible for election or appointment to any committee for a period of four years from the date on which he ought to have taken or made such oath or affirmation.

Amendment of section 19.

6. For section 19, the following section shall be substituted, namely :—

Officers, servants and members to be public servants.

" Every officer or servant employed by the committee, whether for the whole or part of his time, and every member of the committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code."

of his allegiance to the Crown, in the following form, namely :—

" I, *A. B.*, having been $\frac{\text{elected}}{\text{appointed}}$ a member of this committee do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, His heirs and successors and that I will faithfully discharge the duty upon which I am about to enter."

Provided that—

(*a*) *if* any such person omits or refuses to take or make such oath or affirmation his election or appointment as the case may be shall be deemed to be invalid,

(*b*) *in* the case of such invalid election the person if any who obtained the next largest number of votes from amongst those who failed to secure election, shall be deemed to have been duly elected, or if the election was uncontested, a fresh election shall be held, or in the case of such invalid appointment the Local Government shall appoint another person in the manner prescribed in section 12,

(*c*) *no* person whose election or appointment has been deemed to be invalid under this section shall be eligible for election or appointment to any committee for a period of *two* years from the date on which he ought to have taken or made such oath or affirmation.

Amendment of section 16.

7. *(1) In clause (c) of sub-section (1) of section 16 between the word " has " and the word " absented," the words " without reasonable cause in the opinion of the Local Government " shall be inserted.*

(2) To the same sub-section shall be added the following proviso namely :—

" Provided that when the Local Government proposes to take action under the foregoing provisions of this section an opportunity of explanation shall be given to the member concerned."

Alteration of section 19.

8. For section 19, the following section shall be substituted, namely :—

Officers, servants and members to be public servants.

" Every officer or servant employed by the committee, whether for the whole or part of his time, and every member of the committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.".

Amendment of section 32.

9. *For sub-section (1) of section 32 shall be substituted the following sub-section, namely :—* ***XLV of 1880.***

" (1) In the case of municipalities of the second class, the powers and functions of the Local Government under section 12 in regard to the appointment of members of committees, under clause (b) of section 14, under sections 15 and 17 and under sub-section (2) of secion 31, and in the case of notified areas, the powers and functions of the Local Government under section 242 in regard to the appointment of members of committees may be delegate

Amendment of section 33.

7. In section 33—

(1) Between the words "delegate" and "to" the brackets and letter (a) shall be inserted.

(2) Between the words "Vice-President" and "or" the words "the Secretary" shall be inserted.

(3) Between the figures "212" and the word "in" the following letters, words and figures shall be inserted, namely :—

"(b) to the Medical Officer of Health all or any of the powers conferred upon the committee under sections 39, 109, 113, 114, 115, 116, 117, 118, 125, 126, 128, 131, 142, 143, clauses (b) and (c) of 145, 149, 166, 203, 204, clause (b) of 205, 206, 208, 211 and 212; and to the Civil Surgeon of the District or to any officer of the Department of Public Instruction all or any of the powers conferred upon the committee under section 39."

Amendment of section 38.

8. In sub-section (2) of section 38 for the word "pay" the word "remuneration" shall be substituted.

Amendment of section 39.

9. In section 39 for the word "pay" the word "remuneration" shall be substituted.

Amendment of section 43.

10. In sub-section (2) of section 43 for the word "ten" the word "twenty" shall be substituted.

Amendment of section 55.

11. (1) In sub-section (1) of section 55 after the word "India" shall be placed a comma followed by the words "or invest it in such other securities or place it in such other manner as the Local Government may approve in this behalf and with the previous sanction of the Commissioner vary such investment or placement for others of like nature."

by the Local Government to the Commissioner of the Division.

Amendment of section 33.

10. In section 33—

(1) Between the word "delegate" and *the word* "to" the brackets and letter (a) shall be inserted.

(2) Between the word "Vice-President" and *the word* "or" the words "the Secretary" shall be inserted

(3) Between the figures 115 and the figures 117 the figures and letter 115-A and between the figures 118 and the figures 122, the figures 119 shall be inserted ; for the letter (a) after the figures 169, the letter (c) shall be substituted ; between the figures 211 and the figures 212, the word "and" shall be omitted; between the figures 212 and the word "in" the word and figures "and 220" shall be inserted.

(4) Between the figures "212" and the word "in" the following letters, words and figures shall be inserted, namely :—

"(b) to the Medical Officer of Health all or any of the powers conferred upon the committee under sections 39, *105*, 109, 113, 114, 115, *115-A*, 116, 117, 118, *119*, 125, 126, 128, 131, 142, 143, clauses (b) and (c) of 145, 149, 166, 203, 204, clause (b) of 205, 206, 208 *and* 211, and *the powers conferred on the committee under section 212 so far as they may be applicable* and to the Civil Surgeon of the District or to any officer of the Department of Public Instruction all or any of the powers conferred upon the committee under section 39."

Amendment of section 38.

11. In sub-section (2) of section 38 for the word "pay" the word "remuneration" shall be substituted.

Amendment of section 39.

12. In section 39 for the word "pay" the word "remuneration" shall be substituted.

Amendment of section 43.

13. In *clause (b) of* sub-section (2) of section 43 for the word "ten" the word "twenty" shall be substituted.

Amendment of section 44.

14. *For sub-section (2) of section 44 shall be substituted the following sub-section, namely :—*

"(2) *In the absence of a written contract to the contrary, the committee may dispense with the services of any such person by giving the Local Government one month's previous notice.*"

Amendment of section 55.

15. (1) In sub-section (1) of section 55 after the word "India" shall be *inserted* a comma, *and for the remaining portion of the sub-section shall be substituted the following* words namely :— "or invest it in such other securities or place it in such other manner as the Local Government may approve in this behalf and with the previous sanction of the Commissioner vary such investment or placement for others of like nature."

(2) In sub-section (2) of the same section the word "such" shall be substituted for the word "the" between the words "from" and "securities" and between the words "securities" and "and" shall be inserted the words "or placements."

Amendment of section 61.

12. In section 61—

(1) Sub-section (A) shall be numbered (1) and the bracket and letter (A) shall be omitted.

(2) After the said sub-section, the following sub-section shall be inserted, namely :—

> "(2) with the previous sanction of the Local Government any other tax which, under rules made under clause (a) of sub-section (3) of section 80-A of the Government of India Act, a local authority may be authorized to impose by any law made by local legislature without the previous sanction of the Governor-General."

(3) (a) Sub-section (B) shall be numbered (3) and the brackets and letter (B) and the words "with the previous sanction of the Local Government" shall be omitted ;

(b) In sub-clause (i) of clause (a) of the same sub-section the words "in the municipalities of Simla, Dharmsala, Dalhousie and Murree" and the words and figures "and elsewhere 10 per cent." shall be omitted ;

(c) clauses (f), (h), (i) and (j) of the same sub-section shall be omitted and clause (g) shall be relettered (f) ;

(d) To the same sub-section, the following provisos shall be added, namely :—

"Provided that a committee shall not impose any tax without the previous sanction of the Local Government when—

- (i) it consists of members less than three-fourths of whom have been elected, or
- (ii) its cash balances have, at any time within the three months preceding the date of the passing of the resolution imposing the tax, fallen below Rs. 20,000, or one-tenth of the figure of its last annual income, whichever amount shall be the less."

(2) In sub-section (2) of the same section the word "such" shall be substituted for the word "the" between the word "from" and *the word* "securities" and between the word "securities" and *the word* "and" shall be inserted the words "or placements."

Alteration of section 61.

16. *For section 61, the following section shall be substituted, namely—*

Taxes which may be imposed.

"61 Subject to any general or special orders which the Local Government may make in this behalf, and to the rules, any committee may, from time to time, for the purposes of this Act, and in the manner directed by this Act, impose in the whole or any part of the municipality any of the following taxes, namely :—

(1) (a) a tax payable by the owner, on buildings and lands —

- *(i) not exceeding twelve-and-a-half per centum on the annual value ;*
- *(ii) not exceeding in the municipalities of Simla, Dharmsala, Dalhousie and Murree, one anna and four pies, and eleswhere one anna, per square yard of the ground area ; or*
- *(iii) not exceeding in the municipalities of Simla, Dharmsala, Dalhousie and Murree, four rupees, and elsewhere three rupees, per running foot of frontage in streets or bazaars :*

Provided that in the whole or any part of the municipality of Simla there may be imposed both a tax on buildings and a tax on lands.

Provided further that in the case of lands and buildings occupied by tenants in perpetuity, the tax shall be payable by such tenants.

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality ;

(c) a tax, payable by the owner, on all or any vehicles, animals used for riding, driving, draught or burden, and dogs, when such vehicles, animals used as aforesaid, and dogs are kept within the municipality ;

(d) a tax, of the nature of a toll, on vehicles and animals used as aforesaid entering the municipality :

Provided that

- *(i) no such tax shall be levied in respect of any vehicle or animal for which a tax is paid under clause (c),*
- *(ii) any owner of such vehicle or animal may compound for the tax by paying the corresponding tax under clause (c) if such tax is in force in the municipality ;*

(e) a tax, payable by the employer, on menial domestic servants ;

(f) a tax, payable by the occupier of any building in respect of which the committee has, in exercise of the powers conferred by sections 159 to 165 of this Act, undertaken the house scavenging.

13. (*1*) In sub-section (*4*) of section 62 for the words "forward its proposal to the Local Government, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon" shall be substituted the following :—

Amendment of section 62.

"(*a*) in the case of a tax falling under sub-section (*3*) of section 61, direct that the tax be imposed, and shall forward a copy of its order (if any) to that effect to the Local Government ;

(*b*) in the case of any other tax, forward its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid and its decision thereon."

(*2*) In sub-section (*5*) of the same section, for the word "such" the word "a" shall be substituted and between the words "proposal" and "may" the words "forwarded under clause (*b*) of sub-section (*4*)" shall be inserted.

(*3*) In sub-section (*7*) of the same section—

(*a*) For the words "When any proposal of a committee has been sanctioned by the Local Government, or by the Local Government and the Governor-General in Council as the case may be" shall be substituted the following words, namely :—

"(*a*) When a copy of an order under clause (*a*) of sub-section (*4*) has been received ; or

(*b*) When a proposal has been sanctioned under sub-section (*5*) or sub-section (*6*)."

(*b*) Between the words "such" and "proposal" the words "order or" shall be inserted.

Provided that a committee shall not impose any tax without the previous sanction of the Local Government when

(i) it consists of members less than three-fourths of whom have been elected, or

(ii) its cash balances have, at any time within the three months preceding the date of the passing of the resolution imposing the tax, fallen below Rs. 20,000 or one-tenth of the income accrued in the previous financial year, whichever amount shall be less.

(2) Save as provided in the foregoing clause, with the previous sanction of the Local Government any other tax which under rules made under clause (a) of sub-section (3) of section 80-A of the Government of India Act, a local authority may be authorized to impose by any law made by the local legislature without the previous sanction of the Governor-General.

(3) With the previous sanction of the Local Government and of the Governor-General in Council, any tax.

17. (*1*) In sub-section (*4*) of section 62 for the words "forward its proposal to the Local Government, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon" shall be substituted the following :—

Amendment of section 62.

"(*a*) in the case of a tax falling under *clause (1)* of section 61, direct that the tax be imposed, and shall forward a copy of its order to that effect to the Local Government ;

(*b*) in the case of any other tax, forward its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid and its decision thereon."

(*2*) In sub-section (*5*) of the same section, for the word "such" the word "a" shall be substituted and between the word "proposal" and *the word* "may" the words "forwarded under clause (*b*) of sub-section (*4*)" shall be inserted.

(*3*) In sub-section (*7*) of the same section—

(*a*) For the words "When any proposal of a committee has been sanctioned by the Local Government, or by the Local Government and the Governor-General in Council as the case may be" shall be substituted the following words, namely :—

"(*a*) When a copy of an order under clause (*a*) of sub-section (*4*) has been received ; or

(*b*) When a proposal has been sanctioned under sub-section (*5*) or sub-section (*6*)."

(*b*) Between the word "such" and *the word* "proposal" the words "order or" shall be inserted.

Amendment of section 68.

14. In section 68 the words "for the whole or any part of the municipality" shall be inserted between the words "prepare" and "a."

Amendment of section 74.

15. In section 74—

(1) In sub-section (1) the words "and the transferee" shall be inserted between the words "transferor" and "shall."

(2) After sub-section (2) the following new sub-section shall be inserted, namely :—

"(3) Whenever the title to or over any building or land has devolved upon any person by inheritance, the heir shall within three months of the date of the death of the former owner give notice in writing of such inheritance to the committee."

(3) The brackets and figure "(4)" shall be substituted for the brackets and figure "(3)" and in the sub-section thus renumbered the words "or heir" shall be inserted between the words "transferee" and "for."

Amendment of section 76.

16. In section 76 between the words "octroi" and "limits" the words "or terminal tax" shall be inserted.

Amendment of section 77.

17. In sub-section (1) of section 77 between the words "octroi" and "limits" the words "or terminal tax" shall be inserted.

Amendment of section 78.

18. In section 78—

(1) The brackets and figure "(1)" before the word "if" shall be omitted;

(2) Between the words "the octroi" and "boundary" the words "or terminal tax" shall be inserted;

(3) For the word "goods" wherever it occurs the words "animals or articles" shall be substituted;

(4) Sub-section (2) shall be omitted.

New sections.

19. After section 78, the following new sections shall be inserted, namely :—

Extension of taxation limits by agreement.

"78-A. When a cantonment authority, with the sanction of the Governor-General in Council or any municipal committee or Small Town Committee has agreed with the committee of an adjoining municipality or small town that in consideration of a lump payment or otherwise the same octroi or terminal tax limits shall be established for the contracting parties the committee may fix limits under section 188 so as to include so much of the area of the said contracting parties as it may deem necessary, and shall have the same powers of collecting octroi or terminal tax on animals or articles brought within such limits; and the provisions of this Act relating to octroi and terminal tax shall apply in the same way as if the said limits were wholly comprised in the area of the municipality."

Amendment of section 68.

18. In section 68 the words "for the whole or any part of the municipality" shall be inserted between the word "prepare" and *the word* "a."

Amendment of section 74.

19. In section 74—

(1) In sub-section (1) the words "and the transferee" shall be inserted between the word "transferor" and *the word* "shall."

(2) After sub-section (2) the following new sub-section shall be inserted, namely :—

"(3) Whenever the title to or over any building or land has devolved upon any person by inheritance, the heir shall within three months of the date of the death of the former owner give notice in writing of such inheritance to the committee."

(3) The brackets and figure "(4)" shall be substituted for the brackets and figure "(3)" and in the sub-section *so* renumbered the words "or heir" shall be inserted between the word "transferee" and *the word* "for."

Amendment of section 76.

20. In section 76 between the word "octroi" and *the word* "limits" the words "or terminal tax" shall be inserted.

Amendment of section 77.

21. In sub-section (1) of section 77 between the word "octroi" and *the word* "limits" the words "or terminal tax" shall be inserted.

Amendment of section 78.

22. In section 78—

(1) The brackets and figure "(1)" before the word "if" shall be omitted;

(2) For the word "goods" wherever it occurs the words "animals or articles" shall be substituted;

(3) Between the words "the octroi" and *the word* "boundary" *wherever they occur* the words "or terminal tax" shall be inserted;

(4) Sub-section (2) shall be omitted.

New sections.

23. After section 78, the following new sections shall be inserted, namely :—

Extension of taxation limits by agreement.

"78-A. When a cantonment authority, with the sanction of the Governor-General in Council or any municipal committee or Small Town Committee has agreed with the committee of an adjoining municipality or small town that in consideration of the *payment of a lump sum* or otherwise the same octroi or terminal tax limits shall be established for the contracting parties the committee may fix limits under section 188 so as to include so much of the area *controlled by* the said contracting parties as it may deem necessary, and shall have the same powers of collecting octroi or terminal tax on animals or articles brought within such limits; and the provisions of this Act relating to octroi and terminal tax shall apply in the same way as if the said limits were wholly comprised in the area of the municipality."

"78-*B*. When terminal tax is leviable on animals or articles conveyed out of the terminal tax limits the provisions of sections 76, 77, 78 and 78-A shall be deemed, so far as may be, to apply in respect of the animals or articles so conveyed."

Taxation on articles exported.

20. (*1*) To section 81 shall be prefixed the brackets and figure "(*1*)" and to this sub-section shall be added, the following words, namely :—

Amendment of section 81.

"The costs of such proceedings shall be recoverable from the defaulter in the same manner as the said arrears."

(*2*) To the same section shall be added the following sub-section, namely :—

"(*2*) An application made under sub-section (*1*) shall be in writing and shall be signed by the President or the Secretary of the committee, but it shall not be necessary to present it in person."

21. For section 96 the following shall be substituted, namely :—

Amendment of section 96.

"(*1*) The committee may, and when the Local Government so directs, shall provide its area or any part thereof with a supply of wholesome water sufficient for public and domestic purposes.

Provision of water.

(*2*) For the purpose of providing such supply within the municipality the committee shall cause such tanks, reservoirs, engines, pipes, taps, and other works as may be necessary to be constructed or maintained, whether within or without the municipality; and shall erect sufficient stand-pipes or other conveniences for the gratuitous supply of water to the public.

(*3*) When required by the Medical Officer of Health, the committee shall arrange for the examination, chemically or bacteriologically, of water supplied for human consumption for the purpose of determining whether the water is wholesome."

22 (*1*) In sub-section (*1*) of section 107 the words "Civil Surgeon or" between the words "the" and "health" shall be omitted and for the words "health officer" the words "Medical Officer of Health" shall be substituted.

Amendment of section 107.

(*2*) In sub-section (*3*) of the same section between the words "Act" and "without" the words "without a certificate from the Medical Officer of Health to be confirmed by a resolution of the committee that such burial or burning ground is not prejudicial to the public health or" shall be inserted.

23. After section 114, the following new section shall be inserted, namely :—

New section.

"**114-*A*.** The committee may by notice require the owner of unoccupied land or of an unoccupied building which has become a resort of idle and disorderly persons

Enclosing of undesirable premises.

"78-*B*. When terminal tax is leviable on animals or articles conveyed out of the terminal tax limits the provisions of sections 76, 77, 78 and 78-A shall be deemed, so far as may be, to apply in respect of the animals or articles so conveyed."

Taxation on articles exported.

24. (*1*) Section 81 shall be *renumbered sub-section (1) of section 81*, and to *it* shall be added the following words, namely :—

Amendment of section 81.

"The costs of such proceedings shall be recoverable from the defaulter in the same manner as the said arrears."

(*2*) To the same section shall be added the following sub-section, namely :—

"(*2*) An application made under sub-section (*1*) shall be in writing and shall be signed by the President, *a vice-President* or the Secretary of the committee, but it shall not be necessary to present it in person."

Alteration of section 96.

25. For section 96 the following shall be substituted, namely :—

"(*1*) The committee may, and when the Local Government so directs shall, provide *the* area *under its control* or any part thereof with a supply of wholesome water sufficient for public and domestic purposes.

Provision of water.

(*2*) For the purpose of providing such supply within the municipality the committee shall cause such tanks, reservoirs, engines, pipes, taps, and other works as may be necessary to be constructed or maintained, whether within or without the municipality; and shall erect sufficient stand pipes or other conveniences for the gratuitous supply of water to the public.

(*3*) When required by the Medical Officer of Health, the committee shall arrange for the examination of water supplied for human consumption for the purpose of determining whether the water is wholesome."

26. (*1*) In sub-section (*1*) of section 107 the words "Civil Surgeon or" between the word "the" and *the word* "health" shall be omitted and for the words "health officer" the words "Medical Officer of Health" shall be substituted.

Amendment of section 107.

(*2*) In sub-section (*3*) of the same section between the word 'Act" and *the word* "without" the words "without a certificate from the Medical Officer of Health to be confirmed by a resolution of the committee that such burial or burning ground is not prejudicial to the public health or" shall be inserted.

or otherwise occasions or is likely to occasion a public nuisance to enclose and secure the same within a reasonable time fixed in the notice."

Amendment of section 115.

24. In section 115, between the word "owner" and "or" the words "part-owner, or person or persons claiming ownership" shall be inserted.

New section.

25. After section 115, the following new section shall be inserted, namely :—

Paving or draining of cattle-stands.

"115-*A.* The committee may by notice require the owner or occupier of any land on which cattle or other animals are habitually tethered to have the same properly paved or drained."

Amendment of section 120.

26. In section 120, the words "Sanitary Commissioner or the Civil Surgeon or," shall be omitted and for the words "health officer" the words "Medical Officer of Health" shall be substituted.

Amendment of section 121.

27. In section 121—

(*1*) For the semi-colon after the word "tallow" shall be substituted a comma followed by the words "dressing raw hides";

(*2*) Between the words "engine house" and "or" the word "store-house" shall be inserted and a comma shall be placed after the word "engine-house";

(*3*) Between the words "smells" and "noises" the word "gases" shall be inserted.

New section.

28. After section 121, the following new section shall be inserted, namely :—

Consent of Committee to use of new factories.

"*121-A.* (*1*) Within any municipality to which this section shall have been extended by the Local Government no person shall use as a factory any place which has not previously been so used without having obtained the consent of the committee.

(*2*) The consent of the committee may be given without condition or subject to the condition that the owner or user of the said factory shall provide adequate housing accommodation for labourers employed in the factory or for any proportion or class of such labourers :

Provided that the consent of the committee shall not be withheld for any reason except the refusal of such owner or user to comply with such condition :

Provided further that if the committee neglect or omit to give their consent within a period of two months from the date of application, such consent shall be deemed to have been given without condition."

Amendment of section 115.

27. In section 115, between the word "owner" and *the word* "or" the words "part-owner, or person or persons claiming ownership" shall be inserted.

New section.

28. After section 115, the following new section shall be inserted, namely :—

Paving or draining of cattle-stands.

"115-*A.* The committee may by notice require the owner or occupier of any land on which cattle or other animals are habitually tethered to have the same properly paved or drained *or both.*"

Amendment of section 120.

29. In section 120, the words "Sanitary Commissioner or the Civil Surgeon or," shall be omitted and for the words "health officer" the words "Medical Officer of Health" shall be substituted.

Amendment of section 121.

30. In *sub-section (1) of* section 121—

(*1*) For the semi-colon after the word "tallow" shall be substituted a comma followed by the words "dressing raw hides";

(*2*) Between the words "engine house" and *the word* "or" the word "store-house" shall be inserted and a comma shall be placed after the words "engine-house";

(*3*) Between the word "smells" and *the word* "noises" the word "gases" shall be inserted.

(4) Between the words "trade in" and the word "hay," the words "unslaked lime" shall be inserted.

New section.

31. After section 121, the following new section shall be inserted, namely :—

Consent of committee to use of new factories.

"*121-A.* (*1*) Within any municipality to which this section shall have been extended by the Local Government no person shall use as a factory any place which has not previously been so used without having obtained the consent of the committee.

(*2*) The consent of the committee may be given without condition or subject to the condition that the owner or user of the said factory shall provide adeqnate housing accommodation for labourers employed in the factory or for any proportion or class of such labourers :

Provided that the consent of the committee shall not be withheld for any reason except the refusal of such owner or user to comply with such condition :

Provided further that if the committee neglect or omit to give their consent within a period of two months from the date of application, such consent shall be deemed to have been given without condition."

Amendment of section 122.

29. In each sub-section of section 122 between the words "dramatic" and "performance" the words "or circus" shall be inserted.

Amendment of section 135.

30. (*1*) To section 135, the brackets and figure "(*1*)" shall be prefixed and the following sub-section shall be added, namely :—

"(2) any person acting in contravention of the terms of sub-section (*1*) of this section shall be punishable with a fine not exceeding fifty rupees."

(2) In the same section the word "ferrule" shall be inserted between the words "pipe" and "drain."

Amendment of section 136.

31. In section 136 the words "In municipalities to which the provisions of this section may at any time, by notification, be extended by the Local Government," shall be omitted.

Amendment of section 140.

32. In sub-section (2) of section 140 between the words "paved" and "with" the words "by the owner or part-owner of such buildings" shall be inserted and for the word "them" between the words "by" and "and" the words "the committee" shall be substituted.

Amendment of section 141.

33. In section 141, between the words "fails" and "to" the word "forthwith" shall be inserted and between the words "to" and "or" the words "the Medical Officer of Health" shall be substituted for the words "to such officer as the committee may direct."

Amendment of section 145.

34. In section 145 for the words "In any municipality to which this section may be extended by the Local Government, the committee may" the words "The committee may, and when the Local Government so directs, shall" shall be substituted.

Amendment of section 149.

35. In section 149 the words "civil surgeon" between the words "the" and "health," shall be omitted and for the words health officer" wherever they occur the words

Amendment of section 122.

32. In each sub-section of section 122 between the word "dramatic" and *the word* "performance" the words "or circus" shall be inserted.

Amendment of section 124.

33. *For sub-section (1) of section 124, shall be substituted the following sub-section, namely :—*

"(1) No person shall use or employ in any factory or other place any steam whistle or steam trumpet for the purpose of summoning or dismissing workmen or persons employed without the written permission of the committee in granting which the committee may impose such conditions as it may deem proper as to the times at which the whistle or trumpet may be used."

Amendment of section 128.

34. *In sub-section* (2) *of section 128 for the word "twenty" the word "fifty" shall be substituted.*

Amendment of section 135.

35. (*1*) Section 135, *shall be renumbered sub-section (1) of section 135* and the following sub-section shall be added, namely :—

"(2) any person acting in contravention of the terms of sub-section (*1*) shall be punishable with a fine not exceeding fifty rupees."

(2) In the same section the word "ferrule" shall be inserted between the word "pipe" and *the word* "drain."

Amendment of section 136.

36. In section 136 the words "In municipalities to which the provisions of this section may at any time, by notification, be extended by the Local Government," shall be omitted.

Amendment of section 140.

37. In sub-section (2) of section 140 between the word "paved" and *the word* "with" the words "by the owner or part-owner of such buildings" shall be inserted and for the word "them" between the word "by" and *the word* "and" the words "the committee" shall be substituted.

Amendment of section 141.

38. In section 141, between the word "fails" and *the word* "to" the word "forthwith" shall be inserted and between the word "to" and *the word* "or" the words "the Medical Officer of Health" shall be substituted for the words "to such officer as the committee may direct."

Amendment of section 145.

39. In section 145 for the words "In any municipality to which this section may be extended by the Local Government, the committee may" the words "The committee may, and when the Local Government so directs, shall" shall be substituted.

Amendment of section 149.

40. In section 149 the words "civil surgeon" between the word "the" and *the word* "health," shall be omitted and for the words "health officer" wherever

"Medical Officer of Health" shall be substituted.

36. At the end of section 150, the following proviso shall be added, namely:—

Amendment of section 150.

"Provided that this section shall not apply to those areas to which the Local Government has directed that the Punjab Adulteration of Food Act, 1919, shall apply."

VI of 1919.

37. In section 156 for the words "whoever, without the permission of the committee, or in disregard of its orders, throws or deposits or permits his servants or members of his household under his control to throw or deposit earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or into any public sewer or drain or any drain communicating therewith" the following words shall be substituted, namely:—

Amendment of section 156.

"The occupier of any building or land from which any offensive matter, rubbish, night-soil or carcase is thrown or deposited on any part of a public place or street or into any public sewer or drain or into any drain communicating with a public sewer or drain without the permission of the committee or in disobedience of its orders."

38. To section 165 shall be added the following sub-section, namely:—

Amendment of section 165.

"(3) should any sweeper (other than a customary sweeper) who is under contract to do the house scavenging of a house or building discontinue to do such house scavenging without having given 14 days' notice to his employer and without reasonable cause, he shall on conviction be punishable with a fine which may extend to ten rupees."

39. For section 169, the following shall be substituted, namely:—

Amendment of section 169.

"The Committee—

(a) may lay out and make a new public street and construct tunnels and other works subsidiary thereto, and

Powers in connection with streets.

(b) may widen, lengthen, extend, enlarge, raise or lower the level of, or otherwise improve any existing public street vested in the committee, and

(c) may turn, divert, discontinue or close any public street so vested, and

(d) may provide within its discretion building sites of such dimensions as it deems fit, to abut on or adjoin any public street made, widened, lengthened, extended, enlarged, im-

they occur the words "Medical Officer of Health" shall be substituted.

41. At the end of section 150, the following proviso shall be added, namely:—

Amendment of section 150.

"Provided that this section shall not apply to those areas to which the Local Government has directed *or may direct* that the Punjab Adulteration of Food Act, 1919, shall apply." VI of 1919.

42. In section 156, for the words "whoever, without the permission of the committee, or in disregard of its orders, throws or deposits or permits his servants or members of his household under his control to throw or deposit earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or into any public sewer or drain or any drain communicating therewith" the following words shall be substituted, namely:—

Amendment of section 156.

"The occupier of any building or land from which any offensive matter, rubbish, night-soil or carcase is thrown or deposited on any part of a public place or street or into any public sewer or drain or into any drain communicating with a public sewer or drain without the permission of the committee or in disobedience of its orders."

43. To section 165, shall be added the following sub section, namely:—

Amendment of section 165.

"(3) should any sweeper (other than a customary sweeper) who is under contract to do the house scavenging of a house or building discontinue to do such house scavenging without having given 14 days' notice to his employer *or* without reasonable cause, he shall on conviction be punishable with a fine which may extend to ten rupees."

44. For section 169, the following shall be substituted, namely:—

Alteration of section 169.

"*169.* The Committee—

(a) may lay out and make a new public street and construct tunnels and other works subsidiary thereto, and

Powers in connection with streets.

(b) may widen, lengthen, extend, enlarge, raise or lower the level of, or otherwise improve any existing public street vested in the Committee, and

(c) *may close temporarily any public street or any part thereof for any public purpose, and*

(d) may turn, divert, discontinue or close any public street so vested, and

(e) may provide within its discretion building sites of such dimensions as it deems fit, to abut on or adjoin any public street made, widened-lengthened, extended, enlarged, im-

proved, or the level of which has been raised or lowered by the board under clauses (a), (b) and (c) or by the Local Government, and

(e) subject to the provisions of any rule prescribing the conditions on which property may be acquired by the committee, may acquire any land, along with the building thereon, which it deems necessary for the purpose of any scheme or work undertaken or projected in exercise of the powers conferred under the preceding clauses, and

(f) subject to the provisions of any rule prescribing the conditions on which property vested in the committee may be transferred, may lease, sell or otherwise dispose of any property acquired by the committee under clause (e), or any land used by the committee for a public street and no longer required therefor, and in doing so may impose any condition as to the removal of any building existing thereon, as to the description of any new building to be erected thereon, as to the period within which such new building shall be completed, and as to any other matter that it deems fit."

New sections.

40. After section 170, the following new sections shall be added, namely :—

Power to require protection of streets during cutting down of trees, erection or demolition of buildings, etc.

"170-*A*. (*1*) No person shall cut down any trees or cut off a branch of any tree, or erect or demolish any building or part of a building, or alter or repair the outside of any building, where such action is of a nature to cause obstruction, danger or annoyance, or risk of obstruction, danger or annoyance, to any person using a street, without the previous permission in writing of the committee.

() The committee may at any time by notice require that any person doing or proposing to do any of the acts referred to in sub-section (*1*) shall refrain from beginning or continuing the act unless he puts up, maintains, and provides from sunset to sunrise with sufficient lighting such hoardings or screens as are specified or described in the notice and may further at any time by notice require the removal, within a time to be specified in the notice, of any hoarding or screen erected in anticipation or in pursuance of any of the said acts.

(*3*) Whoever contravenes the provisions of sub-section (*1*) shall be liable on conviction to a fine which may extend to fifty rupees and to a further fine which may extend to five rupees for every day on which contravention continues after the date of the first conviction.

proved, or the level of which has been raised or lowered by the board under clauses (a) *and* (b) or by the Local Government, and

(f) subject to the provisions of any rule prescribing the conditions on which property may be acquired by the committee, may acquire any land, along with the building thereon, which it deems necessary for the purpose of any scheme or work undertaken or projected in exercise of the powers conferred under the preceding clauses, and

(g) subject to the provisions of any rule prescribing the conditions on which property vested in the committee may be transferred, may lease, sell or otherwise dispose of any property acquired by the committee under clause (f), or any land used by the committee for a public street and no longer required therefor, and in doing so may impose any condition as to the removal of any building existing thereon, as to the description of any new building to be erected thereon, as to the period within which such new building shall be completed. and as to any other matter that it deems fit."

New sections.

45. After section 170, the following new sections shall be added, namely :—

Power to require protection of streets during cutting down of trees, erection or demolition of buildings, etc.

"*170-A*. (*1*) No person shall cut down any trees or cut off a branch of any tree, or erect or demolish any building or part of a building, or alter or repair the outside of any building, where such action is of a nature to cause obstruction, danger or annoyance, or risk of obstruction, danger or annoyance, to any person using a street, without the previous permission in writing of the committee.

(*2*) The committee may at any time by notice require that any person doing or proposing to do any of the acts referred to in sub-section (*1*) shall refrain from beginning or continuing the act unless he puts up, maintains, and provides from sunset to sunrise with sufficient lighting such hoardings or screens as are specified or described in the notice and may further at any time by notice require the removal, within a time to be specified in the notice, of any hoarding or screen erected in anticipation or in pursuance of any of the said acts.

(*3*) Whoever contravenes the provisions of sub-section *(1) or fails to comply with the terms of a notice under sub-section (2) shall be punishable with fine which may extend to fifty rupees and when the contravention or non-compliance is a continuing one with a further fine which may extend to five rupees for every day after the first during which the contravention or non-compliance continues.*

170-*B*. (*1*) No person shall lay out or make or commence to lay out or make a street without the sanction of the committee;

Notice to be given and sanction obtained before making a street.

(*2*) Every person who intends to lay out or make a street shall give notice in writing to the committee of such intention;

(*3*) Where a committee has issued an order under clause (*b*) of section 170-*C* no notice under sub-section (*2*) shall be deemed to be valid until the particulars required under such order have been furnished to the satisfaction of the committee.

170-*C*. The committee may, within fourteen days of the receipt of the notice required by sub-section (*2*) of section 170-*B*, issue—

Order of committee on notice being given under section 170-*B*.

(*a*) an order directing that, for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) an order requiring further particulars.

170-*D*. Within two months after the receipt of the notice required by sub-section (*2*) of section 170-*B* the committee may refuse to sanction the proposed street, or may sanction it either absolutely or subject to such written directions as to level, means of drainage, direction and width as the committee may deem fit to issue, and the person laying out or making such street shall comply with the sanction of the committee in every particular:

Sanction of committee with regard to new street.

Provided that should the committee neglect or omit for two months after the receipt of such notice, or if an order has been issued under clause (*b*) of section 170-*C*, fail within the period specified in such order, to make and deliver to the person who has given such notice an order of sanction or refusal in respect thereof, it shall be deemed to have sanctioned the proposed street absolutely.

170-*E*. Every sanction for the laying out or making of a street which shall be given, or be deemed to have been given, by a committee, shall remain in force for one year only from the date of such sanction. Should the laying out or making of the street not have been commenced within the said period of one year, the sanction shall be deemed to have lapsed; but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Act.

Power of sanction.

170-*F*. Whoever begins, continues or completes the laying out or making of a street without giving the notice required by section 170-*B* or in contravention of any written directions made under section 170-*D*, or of any bye-law or any provisions of this Act, shall be liable to a fine which may extend to five hundred rupees.

Penalty.

170-*B*. (*1*) No person shall lay out or make or commence to lay out or make a street without the sanction of the committee;

Notice to be given and sanction obtained before making a street.

(*2*) Every person who intends to lay out or make a street shall give notice in writing to the committee of such intention;

(*3*) Where a committee has issued an order under clause (*b*) of section 170-C no notice under sub-section (*2*) shall be deemed to be valid until the particulars required under such order have been furnished to the satisfaction of the committee.

170-*C*. The committee may, within *one month* of the receipt of the notice required by sub-section (*2*) of section 170-*B*, issue—

Order of committee on notice being given under section 170-*B*.

(*a*) an order directing that for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) an order requiring further particulars.

170-*D*. Within two months after the receipt of the notice required by sub-section (*2*) of section 170-*B* the committee may refuse to sanction the proposed street, or may sanction it either absolutely or subject to such written directions as to level, *metalling, paving*, means of drainage, direction and width as the committee may deem fit to issue, and the person laying out or making such street shall comply with the sanction of the committee in every particular:

Sanction of committee with regard to new street.

Provided that should the committee neglect or omit for two months after the receipt of such notice, or if an order has been issued under clause (*b* of section 170-*C*, fail within the period specified in such order, to make and deliver to the person who has given such notice an order of sanction or refusal in respect thereof, it shall be deemed to have sanctioned the proposed street absolutely.

170-*E* Every sanction for the laying out or making of a street which shall be given, or be deemed to have been given, by a committee, shall remain in force for one year only from the date of such sanction. Should the laying out or making of the street not have been commenced within the said period of one year, the sanction shall be deemed to have lapsed; but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Act.

Power of sanction.

170-*F*. Whoever begins, continues or completes the laying out or making of a street without giving the notice required by section 170-*B* or in contravention of any written directions made under section 170-*D*, or of any bye-law or provision of this Act, shall be liable to a fine which may extend to five hundred rupees.

Penalty.

170-*G*. In any case where the committee considers that any land is being or has been laid out as a street without the notice required by section 170-*B* having been given or in contravention of any written direction made by the committee under section 170-*B*, or of any bye-law or provision of this Act, the committee may, by notice in writing, require the owner of the land to alter the street in such manner as it deems necessary and the owner or occupier of any building which is being or has been built on or along the street to alter or demolish such building."

Notice to owner of land under street.

41. In section 172, the word "any" shall be substituted for the word "a" between the words "at" and "point."

Amendment of section 172.

42. In clause (*i*) of sub-section (2) of section 173, the words "by the police" shall be omitted.

Amendment of section 173.

43. To section 183, the figure and bracket "(*1*)" shall be prefixed and the following sub-section shall be added, namely :—

Amendment of section 183.

"(2) Whoever, in driving, leading or propelling a vehicle along a street, fails without reasonable excuse—

(*a*) to keep to the left, and

(*b*) when he is passing a vehicle going in the same direction, to keep to the right of that vehicle, shall be liable to a fine which may extend to twenty rupees."

Exception.—This sub-section shall not apply to a municipality wholly or in part situated in a hilly tract.

170-*G*. In any case where the committee considers that any land is being or has been laid out as a street without the notice required by section 170-*B* having been given or in contravention of any written direction made by the committee under section 170-*B*, or of any bye-law or provision of this Act, the committee may, by notice in writing, require the owner of the land to alter the street in such manner as it deems necessary and the owner or occupier of any building which is being or has been built on or along the street to alter or demolish such building."

Notice to owner of land under street.

46. In *sub-section* (*1*) of section 172, the word "any" shall be substituted for the word "a" between the word "at" and *the word* "point."

Amendmet of section 172.

47. *"(1) In clause (c) of sub-section (1) of section 173 between the word "deposits" and the word "building" shall be inserted the words "or causes to be deposited."*

Amendment of section 173.

(2) Between the word "subsidence;" in clause (d) of the same sub-section and the word "shall" shall be inserted a new clause (e), namely :—

"(e) erects or sets up any fence, post, stall or scaffolding in any public street."

(3) In clause (i) of sub-section (2) of the same section between the word "police" and the word "any" the words "or any other agency" and after the word "merchandise" the words "and any such fence, post, stall or scaffolding" shall be inserted.

(4) In clause (ii) of the same sub-section the words "and the expense of such restoration shall be recoverable from the offender" shall be omitted.

(5) To the same sub-section shall be added the word "and" and the following new clause, namely :—

"(iii) recover the expenses incurred by the committee under this sub-section from the offender."

48. Section 183 *shall be renumbered sub-section (1) of section 183,* and the following sub section shall be added, namely :—

Amendment of section 183.

(2) Whoever, in driving, leading or propelling a vehicle along a street, fails without reasonable excuse—

(*a*) to keep to the left, *or*

(*b*) when he is passing a vehicle going in the same direction, to keep to the right of that vehicle,

shall be liable to a fine which may extend to twenty rupees."

Exception.—This sub-section shall not apply to a municipality wholly or in part situated in a hilly tract.

44 (1) In clause (d) of section 188, the following sub-clause shall be inserted after sub-clause (iii), namely :—

Amendment of section 188.

" (iv) for the scavenging, removal and disposal of all rubbish, filth, night-soil, sullage or sewage in such buildings."

(2) In the same clause, sub-clauses (iv) and (v) shall be renumbered (v) and (vi) respectively.

(3) In sub-clause (i) of clause (e) of the same section a comma shall be inserted after the words "flour mills" followed by the words "food grain godowns."

(4) To the same clause shall be added the following sub-clause, namely :—

" (vii) for the licensing, inspection and proper regulation of theatres and other places of public resort, recreation or amusement."

(5) In clause (g) of the same section for the word "goods" the words "animals or articles" shall be substituted, and the words "or exported therefrom" shall be added after the word "municipality."

(6) In clause (h) of the same section the word "or" between the words "sheep" and "goats" shall be omitted, and after the word "goats" shall be added the words "or swine, and regulate the grant and withdrawal of such licenses"

45. To sub-section (3) of section 189, the following clause shall be added, namely :—

Amendment of section 189.

"(c) where the building appears likely to be used as a factory, require the provision of adequate housing accommodation in connection therewith."

46. (1) In clause (f) of section 190 the word "and" after the word "consist" shall be omitted.

Amendment of section 190.

(2) In clause (g) of the same section, for the full stop after the word "fire" shall be substituted a semi-colon followed by the word "and" and the following sub-section, namely :—

" (h) for godowns intended for the storage of food-grains in excess of six maunds, the materials and method of construction to be used in order to render them rat-proof."

49. *(1) The brackets and figure 1 prefixed to section 188, shall be omitted.*

(2) In clause (d) of *the same* section the following sub-clause shall be inserted after sub-clause (iii), namely :—

Amendment of section 188.

" (iv) for the scavenging, removal and disposal of all rubbish, filth, night-soil, sullage or sewage in such buildings."

(3) In the same clause, sub-clauses (iv) and (v) shall be renumbered (v) and (vi) respectively.

(4) In sub-clause (i) of clause (e) of the same section a comma shall be inserted after the words "flour mills" followed by the words "food-grain godowns."

(5) To the same clause shall be added the following sub-clause, namely :—

" (vii) for the licensing, inspection and proper regulation of theatres and other places of public resort, recreation or amusement."

(6) In clause (g) of the same section for the words "goods *or animals*" the words "animals or articles" shall be substituted, and the words "or exported therefrom" shall be added after the word "municipality."

7) In clause (h) of the same section the word "or" between the word "sheep" and *the word* "goats" shall be omitted, and after the word "goats" shall be added the words "or swine, and regulate the grant and withdrawal of such licenses."

(8) After clause (s) of the same section shall be inserted the following new clauses namely :—

" (t) render licenses necessary for hand-carts used for hawking articles for sale;

(u) regulate the conditions on which permission may be given under sub-section (1) of section 173 and provide for the levy of fees and rent for such permission, and "

clause (t) shall be relettered (v).

50. To sub-section (3) of section 189, the following clause shall be added, namely :—

Amendment of section 189.

" (c) where the building appears likely to be used as a factory, require the provision of adequate housing accommodation in connection therewith."

51. (1) In clause (f) of section 190 the word "and" after the word "consist" shall be omitted.

Amendment of section 190.

(2) In clause (g) of the same section, for the full stop after the word "fire" shall be substituted a semi-colon followed by the word "and" and the following sub-section, namely :—

" (h) for godowns intended for the storage of food-grains in excess of six maunds, the materials and method of construction to be used in order to render them rat-proof."

47. (*1*) In section 193 between the words "committee" and "neglect" the words "in any case except that in which notice has been given of an intention to build upon land belonging to the committee" shall be inserted.

Amendment of section 193.

(*2*) In the Explanation to the same section for the words "either on grounds affecting the particular building or in pursuance of a general scheme sanctioned by the Commissioner restricting the erection or re-erection of buildings or any class of buildings within specified limits for the prevention of overcrowding, or in the interests of the residents within such limits or for any other public purpose. Permission may also be refused in any case in which" shall be substituted the following, namely :—

" (*i*) for any reason it may deem to be just and sufficient as affecting the said building, or

(*ii*) in pursuance of a general scheme sanctioned by the Commissioner restricting the erection or re-erection of buildings or any class of buildings—

(*a*) for the prevention of overcrowding, or

(*b*) in the interests of the residents within such limits, or

(*c*) in the interests of the public generally, or

(*d*) for any other public purpose.

The committee may also refuse permission if."

48. In section 195 for the words "a reasonable time" between the words "within" and "require" the words "six months" shall be substituted.

Amendment of section 195.

49. (*1*) In clause (*a*) of section 197 between the words "manufacture" and "or" shall be inserted a comma followed by the word "sale" and between the words "preparation" and "for" shall be inserted the words "or exposure";

Amendment of section 197.

(*2*) Sub-sections (*b*) and (*d*) of the same section shall be omitted, and sub-sections (*c*), (*e*),

52. (*1*) In section 193 between the word "committee" and *the word* "neglect" the words "in any case except that in which notice has been given of an intention to build upon land belonging to the committee" shall be inserted.

Amendment of section 193.

(*2*) In the Explanation to the same section for the words "either on grounds affecting the particular building or in pursuance of a general scheme sanctioned by the Commissioner restricting the erection or re-erection of buildings or any class of buildings within specified limits for the prevention of overcrowding, or in the interests of the residents within such limits or for any other public purpose. Permission may also be refused in any case in which" shall be substituted the following, namely :—

" (*i*) for any reason it may deem to be just and sufficient as affecting the said building, or

(*ii*) in pursuance of a general scheme sanctioned by the Commissioner restricting the erection or re-erection of buildings or any class of buildings—

(*a*) for the prevention of overcrowding or

(*b*) in the interests of the residents within such limits, or

(*c*) in the interests of the public generally, or

(*d*) for any other public purpose.

The committee may also refuse permission if."

53. In section 195 for the words "a reasonable time" between the word "within" and *the word* "require" the words "six months" shall be substituted.

Amendment of section 195.

54. *After section 195 shall be added the following new section, namely :—*

New section.

195-A. (1) Where a building is begun as described in section 195 but not completed, the committee may within six months by notice require the building operations to be discontinued from the date of the service of such notice.

Power of committee to stop building operations.

(2) Any person failing to comply with the terms of such notice shall be punishable with a fine which may extend to one thousand rupees and when the non-compliance is a continuing one, with a further fine which may extend to fifty rupees for every day after the first during which the non-compliance continues."

55. (*1*) In clause (*a*) of section 197 between the word "manufacture" and *the word* "or" shall be inserted a comma followed by the word "sale" and between the word "preparation" and *the word* "for" shall be inserted the words "or exposure";

Amendment of section 197.

(*2*) Clauses (*b*) and (*d*) of the same section shall be omitted, and clauses (*c*), (*e*),

(*f*) and (*g*) shall be relettered (*b*), (*c*), (*d*) and (*e*) respectively ;

(*3*) In sub-sections (*e*) and (*f*) of the same section, now relettered (*c*) and (*d*) respectively, between the words " milk " and " butter " in each sub-section the word " and " shall be omitted, and after the word " butter " in each sub-section shall be inserted a comma followed by the words " ghi, curd, meat, game, fish and poultry."

(*4*) For sub-section (*g*) of the same section now relettered (*e*), the following shall be substituted, namely, " make regulations for the grant and withdrawal of licenses under this section."

(*5*) In the proviso to the same section the words and letter " or clause (*d*) " between the words and letter " clause (*a*) " and the word " if " shall be omitted.

(*6*) To the same section shall be added the following additional proviso, namely :—

" Provided further that nothing herein contained shall affect the operation of section 43 of the Punjab Laws Act, 1872, and the rules made thereunder. " IV of 1872

New section.

50. After section 197 shall be added the following new section, namely :—

VIII of 1912. Prohibition of possession or sale of wild birds and animals.

" 197-*A*. No wild bird or animal to which the Wild Birds and Animals Protection Act, 1912, applies shall, whether dead or alive, be possessed or sold within a municipality situate in an area to which the said Act has been extended during the close time ; and no such bird or animal shall at any other time be sold within such municipality except under animal license to be granted by the committee : provided that these prohibitions shall not extend to wild birds or animals possessed or sold as pets."

Amendment of section 208.

51. In section 208 for the words " health officer " the words " Medical Officer of Health " shall be substituted.

Amendment of section 215.

52. To sub-section (*1*) of section 215, the following words shall be added, namely :—

" Provided that such notice may be signed by the Medical Officer of Health when it is issued by the committee under any section of this Act under which power may be delegated to the Medical Officer of Health under clause (*b*) of section 33 and has been so delegated."

(*f*) and (*g*) shall be re-lettered (*b*), (*c*), (*d*) and (*e*), respectively ;

(*3*) In clauses (*e*) and (*f*) of the same section, now re-lettered (*c*) and (*d*), respectively, between the word " milk " and *the word* " butter " in each clause the word " and " shall be omitted, and after the word " butter " in each clause shall be inserted a comma followed by the words " ghi, curd, meat, game, fish and poultry."

(*4*) For clause (*g*) of the same section now re-lettered (*e*) the following shall be substituted, namely, " make regulations for the grant and withdrawal of licenses *and the levying of fees therefor* under this section."

(*5*) In the proviso to the same section the words and letter " or clause (*d*) " between the words and letter " clause (*a*) " and the word " of " shall be omitted.

(*6*) To the same section shall be added the following additional proviso, namely :—

" Provided further that nothing herein contained shall affect the operation of section 43 of the Punjab Laws Act, 1872, and the rules made thereunder." IV of 1872.

56. After section 197 shall be added the following new section, namely :—

New section.

Prohibition of possession or sale of wild birds and animals.

" 197-*A*. No wild bird or animal *in respect of which any close time has been notified by the Local Government under section 3 of the Wild Birds and Animals Protection Act, 1912,* VIII of 1912. *shall whether dead or alive be possessed or sold during such close time within any municipality ;* and no such bird or animal shall at any other time be sold within *any* municipality except under *an annual* license to be granted by the committee : provided that these prohibitions shall not extend to wild birds or animals possessed or sold as pets."

Amendment of section 208.

57. In section 208 for the words " health officer " the words " Medical Officer of Health " shall be substituted, *and the brackets and figure 1 after the figures 188 shall be omitted.*

Amendment of section 215.

58. *(1) In sub-section (1) of section 215 after the words " behalf and " the words " every such notice and every order made under section 193 " shall be inserted.*

(*2*) To *the same* sub-section the following *proviso* shall be added, namely :—

" Provided that such notice may be signed by the Medical Officer of Health when it is issued by the committee under any section of this Act under which power may be delegated to the Medical Officer of Health under clause (*b*) of section 33 and has been so delegated.

New section. 53. After section 219, the following new section shall be inserted, namely :—

"219-*A*. Every person convicted of an offence under this Act on account of any act or omission, shall, notwithstanding any punishment to which he may have been sentenced for such offence, pay compensation, the amount of which shall be determined by the Magistrate before whom he was so convicted, to the committee for any damage that may have occurred to any property of the committee, in consequence of such act or omission." Compensation for damage.

Amendment of section 221. 54. In section 221, the words "one hundred" shall be substituted for the word "fifty."

Amendment of section 222. 55. To section 222, the following sub-section shall be added, namely :—

"(*6*) Where under section 113 the committee have executed any work, the cost thereof may be recovered from the owner or occupier in connection with work done under section 113, and from the owner in connection with work done under section 114, in the manner herein provided for the recovery of the cost of work from a defaulting owner or occupier and subject to the provisions herein contained."

Amendment of section 223. 56. In sub-section (*1*) of section 223 between the word "receiving" and the words "the rent" shall be inserted a comma followed by the words "or being entitled to receive," and for the words "or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant" between the words "trustee" and "would" shall be substituted the words "of a person or society," and between the words "property" and "for" the word "and" shall be omitted.

Amendment of section 224. 57. In sub-section (2) of section 224 between the words "to" and "any" the words "or in respect of" shall be inserted.

Amendment of section 225. 58. In clause (*c*) of sub-section (1) of section 225 for the word "or" shall be substituted a comma followed by the figures "121" and a comma, and for the comma after the figures "123" shall be added the word and figures "or 124."

Amendment of section 228. 59. In the Explanation to section 228 between the words "vice-president" and "or" the words "Medical Officer of Health" shall be inserted.

Amendment of section 229. 60. In sub-section (*1*) of section 229 between the words "vice-president" and "or" a comma followed by the words "Medical Officer of Health" shall be inserted.

New section. 59. After section 219 the following new section shall be inserted namely :—

"219-*A*. Every person convicted of an offence under this Act on account of any act or omission, shall, notwithstanding any punishment to which he may have been sentenced for such offence, pay compensation, the amount of which shall be determined by the Magistrate before whom he was so convicted, to the committee for any damage that may have occurred to any property of the committee, in consequence of such act or omission." Compensation for damage.

Amendment of section 221. 60. In section 221, the words "one hundred" shall be substituted for the word "fifty."

Amendment of section 222. 61. To section 222, the following sub-section shall be added, namely :—

"(*6*) Where under section 113 *or section 114* the committee *has* executed any work, the cost thereof may be recovered from the owner or occupier in connection with work done under section 113, and from the owner in connection with work done under section 114, in the manner herein provided for the recovery of the cost of work from a defaulting owner or occupier and subject to the provisions herein contained."

Amendment of section 223. 62. In sub-section (*1*) of section 223 between the word "receiving" and the words "the rent" shall be inserted a comma followed by the words "or being entitled to receive," and for the words "or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant" between the word "trustee" and *the word* "would" shall be substituted the words "of a person or society" and between the word "property" and *the word* "for" the word "and" shall be omitted.

Amendment of section 224. 63. In sub-section (*2*) of section 224 between the word "to" and *the word* "any" the words "or in respect of" shall be inserted.

Amendment of section 225. 64. In clause (*c*) of sub-section (*1*) of section 225 for the word "or" shall be substituted a comma followed by the figures "121" and a comma, and for the comma after the figures "123" shall be *substituted* the word and figures "or 124."

Amendment of section 228. 65. In the Explanation to section 228 between the word "vice-president" and *the word* "or" the words "Medical Officer of Health" shall be inserted.

Amendment of section 229. 66. In sub-section (*1*) of section 229 between the word "vice-president" and *the word* "or" a comma followed by the words "Medical Officer of Health" shall be inserted.

61. In clause (*s*) of sub-section (*1*) of section 240, for the word " goods " wherever it occurs the words " animals or articles " shall be substituted.

Amendment of section 240.

67. *(1) In sub-section (1) of section 240 for the words " for which it considers that a form should be provided and may make rules consistent with this Act," the words " and may make any rules consistent with this Act to carry out the purposes thereof and in particular and without prejudice to the generality of the foregoing power may make rules " shall be substituted.*

Amendment of section 240.

(2) For clause (n) of the same sub-section the following clause shall be substituted, namely,—

" (n) as to the procedure to be observed for the employment, punishment, suspension or removal of officers and servants of the committee and as to appeals from orders of punishment or removal."

(3) In clause (*s*) of *the same* sub-section for the word " goods " wherever it occurs the words " animals or article " shall be substituted.

68. *In the proviso to clause (c) of sub-section (1) of section 242 for the figures, letters and brackets " 61 B (a) " shall be substituted the words, figures, letter and brackets " sub-clause (a) of clause (1) of section 61."*

Amendment of section 242.

N. HANCOCK PRENTER,
Secretary to Government, Punjab,
Legislative Department.

LAHORE:
The 19th February 1923.

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

The 28th February 1923.

No. 7.—The following report of the Select Committee on the Punjab Purchase of Land Bill is published under Standing Order 44 (1) of the Punjab Legislative Council Standing Orders :—

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

Select Committee's Report on the Punjab Purchase of Land Bill.

WE the members of the Select Committee, to which the Punjab Purchase of Land Bill was referred, having met on 17th September 1922, 25th October 1922 and 7th December 1922, submit our report as follows :—

1. It was unanimously resolved that the Committee were unable to recommend that the Bill in its present form should be passed. The question was discussed whether it was within the terms of reference to alter the Bill fundamentally and it was decided that, inasmuch as the main object of the Bill was to facilitate the acquisition of land for industrial purposes without any intention of perpetuating the transfer of such land, it was clearly within the power of the Committee to draft a Bill which would secure that object even if the method proposed in the original Bill, *viz.*,—purchase of land—were abandoned.

2. With this end in view the method of "acquiring use and occupation" of land instead of "purchase" was adopted as the basis of the amended Bill and the Legal Remembrancer was instructed to draft an amended Bill accordingly.

3. In the process of drafting it was found that the change in the proposed method of acquiring land for industrial purposes necessitated an entire remodelling of the Bill in every clause. For instance the title of the Bill in clause 1 had to be altered and incidentally the Committee recommended that the "extent" clause should be modified; clause 2 was found unnecessary as there is now no facility provided for purchasing land and hence the provisions of the Land Acquisition Act are untouched. Similarly the provisions of clause 4 had to be substantially altered; and clauses 6 and 8 were found unnecessary. The definition clause (No. 3) was slightly altered and added to and the principles of clauses 5, 7 and 9 were retained.

4. It was considered therefore useless to go through the Bill clause by clause in any further detail in order to show the changes recommended. The Bill as amended by the Committee differs so largely in detail from the Bill as referred to us that we have considered it advisable simply to submit the amended Bill in its entirety.

5. The members representing the interests of agriculturists strongly recommended not only that all idea of purchase should be abandoned but that provision should be made for restricting the operation of the Bill in cases in which the owner of the land concerned was either a female holding merely a ife estate, or a sonless male. These recommendations we have adopted and embodied in our amended draft.

6. Although the main object of the original Bill has been preserved, the methods of obtaining that object have been so materially altered that we considered it necessary to submit the amended Bill once more to the Governor-General with a view to obtaining his assent to its consideration by the Legislative Council. We have drawn up fresh "Notes on Clauses" which are duly appended to the amended draft.

7. We consider that the Bill should be republished. The original Bill was published on the 29th July 1921. The Bill as amended is annexed to the Report.

HARKISHAN LAL.
E. R. ABBOTT.
M. SHAH NAWAZ.
KARTAR SINGH.
MANOHAR LAL.
PANNA LAL.
*BELI RAM.
*SAYAD MUHAMMAD HUSAIN.
N. HANCOCK PRENTER.

* Subject to a note of dissent.

NOTE OF DISSENT.

1. I find that the report differs on some particulars from what I understand to have been decided at Simla. In my opinion the operation of the Act should not extend to any village unless the Governor in Council is satisfied after inquiry through local officials that the extension is necessary. I, therefore, require this change in section 2.

2. The term "Industrial purpose" is open to objection as it allows any shopkeeper to acquire any land for any one of the purposes explained in section 2, clause 1. It was understood at Simla that the definition shall be so modified as to show that acquisition for single purpose shall not be competent. It may be allowed for all purposes collectively. Factory may be established, but to say that acquisition for any purpose serving any purpose of a factory is to give it a very wide scope. I, therefore, cannot accept the present draft of sections 2 and 3.

3. Local officials have been entirely excluded. The validity or propriety of objections under section 7 cannot be rightly decided by any other authority. The scope of section 8 is very limited. The Collector's authority should be extended. In section 13 the words " may impose " should be " shall impose ".

BELI RAM.

8-2-1923.

NOTE OF DISSENT.

1. The operation of the Act should not extend to any village unless the Governo in Council after making enquiry through local officers deems it necessary.

2. The definition " Industrial purpose " as it stands in the present Bill is drastic. It must include all the purposes enumerated in the Bill collectively, before a case is made for the operation of the Act.

3. In section (3) the application for certificate that land is required for industrial purposes should be made to the Deputy Commissioner and not to the Director of Industries. Similarly in section (4) the certificate should be issued by the Deputy Commissioner and section (7) all objections against acquisition should be disposed off by the Deputy Commissioner and not by the Local Government.

4. In section (13), line (3), the words " may impose " be changed to " shall impose".

SAYAD MUHAMMAD HUSAIN.

12-2-1923.

ANNEXURE TO THE REPORT.

[Bill as amended by the Select Committee.]

An Act to facilitate the acquisition of use and occupation of land for industrial purposes.

Preamble.

WHEREAS it is expedient to facilitate the acquisition of use and occupation of land for industrial purposes, and whereas the previous sanction of the Governor-General under sub-section (3) of section 80-A of the Government of India Act has been obtained, it is hereby enacted :—

Short title, extent and commencement.

1. (1) This Act may be called the Punjab Acquisition of Land (Industrial) Act, 192 .

(2) It extends to Municipalities, Notified Areas, Cantonments and Small Towns (as defined in the Punjab Small Towns Act 1921) and to any village to which the Local Government may by notification from time to time extend it.

(3) It shall come into force on such date as the Local Government may by notification appoint in this behalf.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(1) " Industrial purpose " includes any purpose connected with the establishment, erection, repair, continuance extension or alteration of factories engaged in the preparation, manufacture, finishing or adaptation for sale of any article.

(2) " Director of Industries " means the person appointed as such by the Local Government.

Application for certificate that land is required for industrial purpose.

3. Whenever any person is desirous of obtaining the use and occupation of any land for any industrial purpose and the owner of such land is willing to permit such use and occupation such person may apply to the Director of Industries for a certificate that the land is required for an industrial purpose.

Issue and contents of certificate.

4. The Director of Industries shall on receipt of an application under section 3 issue a certificate stating—

(a) the industrial purpose for which the land is required ;

(b) the amount of land which he considers requisite for such purpose.

Application for notification.

5. When a certificate has been obtained under section 4, the person to whom it was granted may forward it to the Local Government with an application for a notification declaring that the land specified therein is required for an industrial purpose.

Application to be published.

6. On receipt of an application under section 5 the Local Government shall publish the substance thereof in the Gazette and shall invite objections thereto, in writing from any person or persons concerned, and shall fix a reasonable time within which such objections should be submitted.

7. Save as provided in sections 8, 9 and 10 the Local Government may on receipt of an application under section 5, after considering the objections (if any) submitted under section 6 and after making such inquiry as it may deem necessary, by notification declare that the land specified in the certificate issued under section 4 is required by the applicant for an industrial purpose, and thereafter, notwithstanding any local custom or anything contained in any Act the said applicant may acquire the use and occupation of such land upon terms agreed upon by him and the owner of such land.

Notification and its effect.

8. No declaration under section 7 shall be made with regard to any application if the Collector of the District in which the land concerned is situate certifies that the proposed use and occupation would cause inconvenience to or injuriously affect the rights of those dwelling in the vicinity of such land.

Saving of the rights of neighbours.

9. No declaration under section 7 shall be made with regard to any land when the owner thereof is—

Land whose use and occupation may not be acquired.

(a) a female holding only a life estate; or

(b) sonless, and the land is ancestral;

unless the next reversioner to such land consents to the proposed use and occupation.

10. No declaration under section 7 shall be made where the land concerned is the subject of a mortgage or charge as defined in the Transfer of Property Act, 1882, or of a lease, and the mortgagee, charge-holder or lessee, as the case may be, does not consent to the proposed use and occupation.

Saving of mortgagee's rights.

11. Subject to the provisions of section 12 whenever the use and occupation of any land is acquired under this Act such land shall pass to the person acquiring such use and occupation free of all easements in respect of which such land is a servient tenement.

Extinction of easements.

12. The Collector shall upon application made by the person enjoying any easement extinguished under section 9, either fix a monetary compensation for such easement, to be paid either by the person acquiring the use and occupation of the land or by the owner as he may deem fit or may alter the mode of enjoying the easement, and in the latter case the land shall remain subject to the easement as so altered.

Compensation for extinction of easements and modifications thereof.

13. Before issuing any notification under this Act the Local Government may impose upon the person making an application under section 3 any conditions, or demand any deposit or security which it may deem proper to ensure that the purposes for which the use and occupation of the land is required are duly carried out, and may impose on such person liability to any penalties by way of fine recoverable from such deposit or security which it may deem proper in case such purposes are not carried out within such time as it shall fix.

Conditions of acquisition.

14. Whenever under this Act, the use and occupation of any land is acquired for an industrial purpose, and within a period of two years from the date of such acquisition, the said purpose is not carried out or when the said purpose has been begun to be carried out and for a period of two years there has been a discontinuance thereof, the said land shall revert to the owner on such terms as may to the Collector appear equitable.

On failure of industrial purpose land to revert to the owner.

NOTES ON CLAUSES.

1. The Bill is designed to meet industrial requirements in the larger areas only, and consequently is not extended to the whole of the Punjab. The Local Government is however given power to extend it further when occasion arises.

2. Clause 2 contains definitions of terms used in the Bill.

3. Clauses 3, 4, 5, 6 and 7 prescribe the procedure to be adopted by persons desiring to acquire the use and occupation of land for industrial purposes and by the Local Government in dealing with applications by such persons. The main principle observed is publicity.

4. Clause 8 is designed to prevent interference with the rights of neighbours.

5. Clause 9 forbids the acquisition of use and occupation of land in cases where the owner is a female or sonless unless with the consent of the next reversioner.

6. Clause 10 protects the rights of mortgagees, charge-holders and lessees.

7. Clause 11 makes provision for the abatement of easements and clause 12 for the method of compensating those who were in the enjoyment of such easements.

8. Clause 13 provides for the furnishing of security to ensure that the land is devoted to an industrial purpose, and clause 14 lays down that on failure of the purpose the land should revert to the owner on terms to be fixed by the Collector.

N. HANCOCK PRENTER,
Secretary to Government, Punjab, Legislative Department.

LAHORE:
The 17th February 1923.

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

The 28th February 1923.

No. 9.—The following report of the Select Committee on the Punjab Industrial Loans Bill is published under Standing Order 44 (1) of the Punjab Legislative Council Standing Orders :—

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

Report of the Select Committee on the Punjab Industrial Loans Bill.

WE, the members of the Select Committee appointed to report on the Punjab Industrial Loans Bill, met on the 11th November and 7th December 1922. The following members, *viz.*, Khan Muhammad Saifullah Khan, Khan Bahadur Sayad Mehdi Shah, were unable to attend. We beg to submit our report as follows :—

1. The Legal Remembrancer was instructed to make all such drafting changes, as without prejudice to the matter of the Bill might be necessary or desirable to bring the Bill into conformity with the accepted practice and usage of the Government of India The changes made by him are immaterial and need not be detailed.

2. In clause 2 the words "'Notification' means notification in the Official Gazette," should be omitted.

3. In clause 5 after the words "for which" the words "and, generally to fulfil the conditions on which" should be added.

4. In clause 5 the words "present and future, movable and immovable" wherever they occur should be omitted.

5. In clause 5 after the words "repayment of the loan" the words "together with all interest due thereon, if any and costs, if any, incurred in making or recovering the loan" should be added.

6. In clause 5 the word "all" should be omitted.

7. In clause 6 after the words "the loan" in the first place in which it occurs, the words "together with all interest due thereon, if any," should be added.

8. (1) Clause 7 should be divided into sub-clauses, the first sub-clause ending with the word "therein" when it first occurs and in the sub-clause (1) thus formed after the word "due" the following should be inserted "and is not paid on or before the due date", for the word "shall" the word "may" should be substituted and after the word "notice" the words "in the prescribed manner" should be added.

(2) For the word "sum" should be substituted the word "sums."

(3) In the second sub-clause thus formed for the words "and he shall intimate therein" should be substituted the words "such notice shall contain an intimation", for the word "he" the words "the said officer" should be substituted and after the word "debt" the word "due" should be added.

9. Clause 8 should be remodelled as follows :—

"8. (1) If within the time so fixed the sums due are not paid the officer empowered under section 7 may issue the declaration as described in sub-section (2) of the same section, such declaration shall be published in the Gazette.

Effect of declaration.

(2) Such declaration shall be conclusive evidence of its contents and shall not be called into question in any Court.

Provided that any person, other than the debtor, who claims to have any interest in the property declared liable to satisfy the debt may, within thirty days of the publication of such declaration, make an objection to the officer issuing the declaration. Such officer shall after taking such evidence as may be necessary accept or reject such objection and modify or confirm his declaration accordingly.

Provided further that within thirty days of the passing of any order under this sub-section the person making the objection may appeal to the Financial Commissioner against such order, and the decision thereon of the Financial Commissioner shall be final.

(3) Such declaration may be presented by the said officer or by such person as he may, either generally or specially, appoint in this behalf in a competent Civil Court in the same manner as a decree of which execution is sought."

10. In clause 9 after the words "had been a" the word "money" should be added and after the word "jurisdiction" the words "and the property mentioned in such declaration had been attached thereunder" should be added.

11. In clause 10 the figure "12" should be substituted for the figure "11".

12. In clause 10 for the words "industry or industries," the words "premises, books, machinery, stock, stores and all other belongings and things connected with the industrial undertaking or undertakings" should be substituted, and for the word "the" before the word "loan" and the word "inspection" the word "such" should be substituted.

13. In clause 10 after the words "was granted" the words "or that the conditions on which it was granted are being duly fulfilled" should be inserted.

14. In clause 11 after the words "was granted" the words "or that the conditions on which the loan was granted are being duly fulfilled" should be added.

15. To clause 11 the following proviso should be added :—

"Provided that the borrower may within thirty days of the receipt of such order appeal against it to the Financial Commissioner and the decision thereon of the Financial Commissioner shall be final."

16. In clause 12 for the words "from time to time" the words "after previous publication" should be substituted.

17. In sub-clause (*iv*) of clause 12 after the words "the nature" the words "and amount (not exceeding one and-a-half times the amount of the loan)" should be added.

18. In sub-clause (*iv*) of clause 12 after the words "money lent" the words "together with all interest due thereon, if any" should be added.

19. To sub-clause (*iv*) of clause 12 the following proviso should be added :—

"Provided that where the security consists wholly or in part of the premises, machinery, stock, stores or other property, present or future, movable or immovable, of the industrial undertaking concerned, then the whole of such property, present and future, movable and immovable, may be made liable for the recovery of the loan and all interest due thereon, if any."

20. In clause 12 the following new sub-clauses should be inserted after sub-clause (*iv*), namely :—

"(*v*) the manner in and the place at which notices under sub-section (1) of section 7 or orders under section 11 may be served on any debtor ;

(*vi*) the form of the declaration to be used under section 8 ;"

and the following sub-clauses should be renumbered (*vii*) and (*viii*) respectively.

21. In sub-clause (*v*) now renumbered (*vii*) of clause 12 for the word "industries" the words "the premises, books, machinery, stock, stores and all other belongings and things connected with the industrial undertakings" should be substituted.

22. The Committee are of opinion that the changes made are not of sufficient importance to necessitate republication of the Bill. The Bill was originally published on the 10th November 1922. A copy of the Bill as amended by us is annexed to this report.

HARKISHAN LAL. HARI CHAND.
DASAUNDHA SINGH. E. R. ABBOTT.
LAHORE : PANNA LAL. N. HANCOCK PRENTER.
The 3rd Feby. 1923. J. G. BEAZLEY.

ANNEXURE TO THE REPORT.

Bill as introduced in the Council on the 6th of November 1922.

A Bill to improve the law relating to loans by the Government for industrial purposes.

Preamble. WHEREAS it is expedient to improve the method of advancing loans by the Government for industrial purposes and of recovering the same from the borrowers, and whereas the previous sanction of the Governor-General has been obtained under sub-section (3) of section 80-A. of the Government of India Act, it is hereby enacted as follows :—

Short title, extent and commencement. 1. (1) This Act may be called the Punjab Industrial Loans Act, 192 .

(2) It extends to the Punjab

(3) It shall come into force on such date as the Local Government may by notification appoint in this behalf.

Definitions. 2. In this Act "Notification" means notification in the official gazette.

"Industrial" means relating to and connected with the manufacture of articles by hand, by machinery or by chemical processes.

"Company" means a company as defined in the Indian Companies Act, 1913.

"Prescribed" means prescribed under the rules made under this Act.

Power to grant loans. 3. Subject to such rules as may be made under section 12 loans may be granted under this Act for industrial purposes by such officers as may from time to time be empowered in this behalf by the Local Government.

Application for loan. 4. Application for a loan may be made by an individual, a firm or a company and shall be made on the prescribed form.

Security for repayment. 5. When an application for a loan has been accepted, the applicant shall execute a deed in the prescribed form undertaking to apply the money lent to the purpose or purposes for which the loan was granted and rendering himself and his property, present and future, moveable and immovable, liable for the payment of any penalty imposed under section 11, and for the repayment of the loan. When the application has been made by a firm or company the deed shall be executed by a representative thereof, and the deed shall thereupon be deemed binding on the said firm or company, and all the property, present and future, movable and immovable, of the said firm or company shall be liable in the same manner, as if the loan had been granted to an individual.

Bill as amended by the Select Committee.

(THE AMENDMENTS MADE ARE SHOWN IN *ITALICS*.)

An Act to improve the law relating to loans by the Government for industrial purposes.

Preamble. WHEREAS it is expedient to improve the method of advancing loans by the Government for industrial purposes and of recovering the same from the borrowers, and whereas the previous sanction of the Governor-General has been obtained under sub-section (3) of section 80-A. of the Government of India Act, it is hereby enacted as follows :—

Short title, extent and commencement. 1. (1) This Act may be called the Punjab Industrial Loans Act, 192 .

(2) It extends to the Punjab.

(3) It shall come into force on such date as the Local Government may by notification appoint in this half.

Definitions. 2. In this Act—

(1) "Industrial" means relating to and connected with the manufacture of articles by hand, by machinery or by chemical processes.

(2) "Company" means a company as defined in the Indian Companies Act, 1913.

(3) "Prescribed" means prescribed under the rules made under this Act.

Power to grant loans. 3. Subject to such rules as may be made under section 12 loans may be granted under this Act for industrial purposes by such officers as may from time to time be empowered in this behalf by the Local Government.

Application for loan. 4. Application for a loan may be made by an individual, a firm or a company and shall be made on the prescribed form.

Security for repayment. 5. (1) When an application for a loan has been accepted, the applicant shall execute a deed in the prescribed form undertaking to apply the money lent to the purpose or purposes for which *and generally to fulfil the conditions on which* the loan was granted and rendering himself and his property liable for the payment of any penalty imposed under section 11, and for the repayment of the loan *together with all interest due thereon, if any, and costs, if any, incurred in making or recovering the loan.*

(2) When the application has been made by a firm or company the deed shall be executed by a representative thereof, and the deed shall thereupon be deemed binding on the said firm or company, and the property of the said firm or company shall be liable in the same manner, as if the loan had been granted to an individual.

6. The loan shall be repayable either in a lump sum or by instalments (in the form of an annuity or otherwise) as the officer granting the loan may direct.

Loan how repayable.

7. When any loan or instalment or interest thereon falls due or when any penalty has been imposed under section 11 or when a loan has been declared immediately repayable under the said section the officer empowered by the Local Government on this behalf shall cause to be served on the debtor a notice calling upon him to pay the sum due within such time as may be fixed therein, and he shall intimate therein that in case of default he will issue a declaration in the prescribed form showing the amount of the debt and the property liable to satisfy the same.

Notice to pay.

8. Such declaration shall be conclusive evidence of its contents and shall not be called into question in any Court and shall be presented by the officer who made it or by such person as he may appoint in this behalf in a competent Civil Court in the same manner as a decree of which execution is sought.

Effect of declaration.

9. When a declaration has been received by a Civil Court under section 8, the Court shall pass an order directing the debtor to pay the amount shewn therein as due, and such order may be executed in the same manner as if it had been a decree passed by a court in the exercise of its ordinary civil jurisdiction.

Order and execution.

10. Subject to the rules made under section 11 the officer empowered by the Local Government in this behalf may from time to time inspect the industry or industries with respect to which a loan has been granted under this Act in order to satisfy himself that the loan is being applied to the purpose or purposes

Power to inspect.

6. The loan *together with all interest due thereon, if any,* shall be repayable either in a lump sum or by instalments (in the form of an annuity or otherwise) as the officer granting the loan may direct.

Loan how repayable.

7. (*1*) When any loan or instalment or interest thereon falls due *and is not paid on or before the due date* or when any penalty has been imposed under section 11 or when a loan has been declared immediately repayable under the said section the officer empowered by the Local Government *in* this behalf *may* cause to be served on the debtor a notice *in the prescribed manner* calling upon him to pay the *sums* due within such time as may be fixed therein.

Notice to pay.

(2) *Such notice shall contain an intimation* that in case of default *the said officer* will issue a declaration in the prescribed form showing the amount of the debt *due* and the property liable to satisfy the same.

8. (*1*) *If within the time so fixed the sums due are not paid the officer empowered under section 7 may issue the declaration as described in sub-section (2) of the same section, such declaration shall be published in the Gazette.*

Effect of declaration.

(2) *Such declaration shall be conclusive evidence of its contents and shall not be called into question in any court.*

Provided that any person, other than the debtor, who claims to have any interest in the property declared liable to satisfy the debt may, within thirty days of the publication of such declaration, make an objection to the officer issuing the declaration. Such officer shall after taking such evidence as may be necessary accept or reject such objection and modify or confirm his declaration accordingly.

Provided further that within thirty days of the passing of any order under this sub-section the person making the objection may appeal to the Financial Commissioner against such order, and the decision thereon of the Financial Commissioner shall be final.

(*3*) *Such declaration may be presented by the said officer or by such person as he may, either generally or specially, appoint in this behalf in a competent Civil Court in the same manner as a decree of which execution is sought.*

9. When a declaration has been received by a Civil Court under section 8, the Court shall pass an order directing the debtor to pay the amount shewn therein as due, and such order may be executed in the same manner as if it had been a *money* decree passed by a court in the exercise of its ordinary civil jurisdiction *and the property mentioned in such declaration had been attached thereunder.*

Order and execution.

10. Subject to the rules made under section *12* the officer empowered by the Local Government in this behalf may from time to time inspect the *premises, books, machinery, stock, stores and all other belongings and things connected with the industrial undertaking or undertakings in* respect *of* which a loan has been granted under

Power to inspect.

for which it was granted, and shall have such powers of entry as may be necessary to make the inspection.

Penalty for default in applying the loan.

11. If such officer is after inspection not satisfied that the money lent is being applied to the purpose or purposes for which the loan was granted, he may pass an order directing that the borrower shall pay, by way of penalty, a sum not exceeding Rs. 100, and may declare notwithstanding anything contained in the deed executed under section 5 that the loan is immediately repayable.

Power to make rules.

12. The Local Government may from time to time by notification make rules consistent with this Act to provide for the following matters, namley :—

(*i*) The manner of making application for loans;

(*ii*) The officers by whom loans may be granted;

(*iii*) The form of deed to be executed under section 5;

(*iv*) The nature of the security to be taken for the due application and repayment of the money lent, the rate of interest at which and the conditions under which loans may be granted;

(*v*) The inspection of industries with respect to which loans have been granted; and

(*vi*) All other matters pertaining to the working of this Act.

this Act in order to satisfy himself that *such* loan is being applied to the purpose or purposes for which it was granted, *or that the conditions on which it was granted are being duly fulfilled* and shall have such powers of entry as may be necessary to make *such* inspection.

Penalty for default in applying the loan.

11. If such officer is after inspection not satisfied that the money lent is being applied to the purpose or purposes for which the loan was granted, *or that the conditions on which the loan was granted are being duly fulfilled*, he may pass an order directing that the borrower shall pay, by way of penalty, a sum not exceeding Rs. 100, and may declare notwithstanding anything contained in the deed executed under section 5 that the loan is immediately repayable.

Provided that the borrower may within thirty days of the receipt of such order appeal against it to the Financial Commissioner and the decision thereon of the Financial Commissioner shall be final.

Power to make rules.

12. The Local Government may *after previous publication* by notification make rules consistent with this Act to provide for the following matters, namely :—

(*i*) The manner of making application for loans;

(*ii*) The officers by whom loans may be granted;

(*iii*) The form of deed to be executed under section 5;

(*iv*) The nature *and amount (not exceeding one-and-a-half times the amount of the loan)* of the security to be taken for the due application and repayment of the money lent, *together with all interest due thereon, if any*, the rate of interest at which and the conditions under which loans may be granted;

Provided that where the security consists wholly or in part of the premises, machinery, stock, stores or other property, present or future, movable or immovable, of the industrial undertaking concerned, then the whole of such property, present and future, movable and immovable, may be made liable for the recovery of the loan and all interest due thereon, if any.

(*v*) *the manner in and the place at which notices under sub-section (1) of section 7 or orders under section 11 may be served on any debtor;*

(*vi*) *the form of the declaration to be used under section 8;*

(*vii*) The inspection of *the premises, books, machinery, stock, stores and all other belongings and things connected with the industrial undertakings in* respect *of* which loans have been granted; and

(*viii*) All other matters pertaining to the working of this Act.

N. HANCOCK PRENTER,
Secretary to Government, Punjab, Legislative Department.

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

LAHORE :
The 9th February 1923.

The 28th February 1923.

No. 10.—The following report of the Select Committee on the Punjab Loans Limitation Repeal Bill is published under Standing Order 44 (1) of the Punjab Legislative Council Standing Orders :—

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

Report of the Select Committee on the Punjab Loans Limitation Repeal Bill.

WE, the members of the Select Committee to whom the Punjab Loans Limitation Repeal Bill was referred, having met on 3′th November 1922, present our report as follows :—

1. In accordance with the usual drafting practice we have altered the title of the Bill to the Repealing (Punjab Loans Limitation) Bill, and made the consequential changes in clause 1.

2. Under our instructions the Legal Remembrancer has made some technical drafting alterations in the Preamble and has embodied clause 2 in clause 1.

3. We have added an "extent" sub-clause to clause 1 because two substantial clauses now appear in the Bill which it is necessary to extend to the Province as the repealed Bill did not contain these.

4. Clause 3 has been renumbered 2 and the sub-clauses have been omitted in order to make the Bill conform with the usual custom of drafting.

5. We have added a new clause, numbered 3, in order to revive the Indian Limitation Act, in so far as it applies to suits of the kind described in the schedule to the repealed Act This is necessary in view of the provisions of section 3 of the Punjab General Clauses Act. The new clause runs as follows :—

> "3. Save as provided under sections 4 and 5, from the date of the commencement of this Act, any suit falling under the description of suits given in the Schedule to the Punjab Loans Limitation Act, 1904, shall be governed in so far as the point of limitation is concerned by the provisions of the Indian Limitation Act 1908, and the provisions of the Indian Limitation Act, 1908, shall apply accordingly."

6. We have redrafted sub-clause (*a*) of clause 3 so as to run as follows :—

> "4. Notwithstanding anything herein contained, no suit, appeal or other proceeding pending in any Court at the date of the commencement of this Act shall be dismissed on the ground that it is barred by limitation provided that it would not have been so dismissed if the Punjab Loans Limitation Act, 1904, had been in force."

7. We have redrafted sub-clause (*b*) of clause 3 so as to run as follows :—

> "5. No suit instituted within one year of the date of the passing of this Act, which would not have been barred by limitation if the Punjab Loans Limitation Act, 1904, had been in force, shall be held to be barred by limitation by reason of this Act only.

8. The Committee are of opinion that the changes made are not of sufficient importance to necessitate the republication of the Bill. The Bill was originally published on the 24th November 1922. A copy of the Bill as amended by us is annexed to this report.

LAHORE :
The 25th January 1923.

H. J. MAYNARD.
* HARI CHAND.
MUHAMMAD IRSHAD ALI KHAN.
* NARENDRA NATH.
KARTAR SINGH.
AKBAR ALI.
FIROZ KHAN NOON.
N. HANCOCK-PRENTER.

* Subject to a note of dissent.

Note of Dissent.

In our opinion the period of grace allowed in clause 5 should be two years instead of one.

HARI CHAND.

NARENDRA NATH.

ANNEXURE TO THE REPORT.

Bill as introduced in the Council on the 18th of November 1922.	Bill as amended by the Select Committee. (THE AMENDMENTS MADE ARE SHOWN IN ITALICS.)
A Bill to repeal the Punjab Loans Limitation Act, I of 1904.	*An Act to repeal the Punjab Loans Limitation Act, 1904.*
WHEREAS it is expedient to repeal the Punjab Loans Limitation Act, I of 1904, it is hereby enacted as follows :—	*Preamble.* WHEREAS it is expedient to repeal the Punjab Loans Limitation Act, 1904, it is hereby enacted as follows :—
1. This Act may be called the Punjab Loans Limitation Repeal Act, 1922.	*Short title, extent and commencement.* 1. (*1*) This Act may be called the *Repealing* (Punjab Loans Limitation) Act, 192 . (*2*) *It extends to the Punjab.* (*3*) It shall come into force *on such date as the Local Government may, by notification, appoint in this behalf.*
2. It shall come into force at once.	2. The Punjab Loans Limitation Act, 1904, is hereby repealed.
3. The Punjab Loans Limitation Act, I of 1904, is hereby repealed.	*Revival of the Indian Limitation Act, 1908.* 3. *Save as provided under sections 4 and 5 from the date of the commencement of this Act, any suit falling under the description of suits given in the Schedule to the Punjab Loans Limitation Act, 1904, shall be governed in so far as the point of Limitation is concerned by the provisions of the Indian Limitation Act, 1908, and the provisions of the Indian Limitation Act, 1908, shall apply accordingly.*
(*a*) The Act shall not affect the cases now pending.	*Saving of limitation as regards pending suits.* 4. *Notwithstanding anything herein contained, no suit, appeal or other proceeding pending in any court at the date of the commencement of this Act shall be dismissed on the ground that it is barred by limitation provided that it would not have been so dismissed if the Punjab Loans Limitation Act, 1904, had been in force.*
(*b*) Suits which owing to the repeal of the Punjab Loans Limitation Act, I of 1904, would become time barred may be instituted within one year from the date on which this Act comes into force.	*Saving of limitation as regards existing causes of action.* 5. *No suit instituted within one year of the date of the passing of this Act, which would not have been barred by limitation if the Punjab Loans Limitation Act, 1904, had been in force, shall be held to be barred by limitation by reason of this Act only.*

N. HANCOCK PRENTER,
Secretary to Government Punjab,
Legislative Department.

LAHORE:
The 29th January 1923.

ABNASHA SINGH,
Secretary Punjab Legislative Council.

2036 PGG—676—2-3-23—SGPP Lahore.

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Government Gazette

PUNJAB AND ITS DEPENDENCIES

Published by Authority.

LAHORE, FRIDAY, MARCH 30, 1923.

PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 28th March 1923.

No. 11.—The following order by His Excellency the Governor of the Punjab is published for general information.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

ORDER OF PROROGATION.

In pursuance of the powers conferred on me by sub-section 2 of section 72-B of the Government of India Act, I, Edward Douglas Maclagan, Governor of the Punjab, hereby direct that the Legislative Council of the Punjab do stand prorogued until such date as shall be hereafter fixed.

LAHORE.

The 26th March 1923.

E. D. MACLAGAN,

Governor of the Punjab.

2239 PGG—676—30-3-23—SGPP Lahore

Registered No. L. 864.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, APRIL 6, 1923.

PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATIONS.

The 29th March 1923.

No. 12.—The following proceedings of a meeting of the Standing Finance Committee of the Punjab Legislative Council are published for general information.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

Proceedings of a meeting of the Standing Finance Committee of the Legislative Council, Punjab, held at 10 A.M. at Lahore on Monday, the 19th March 1923.

PRESENT :

The Hon'ble Sir JOHN MAYNARD, K.C.I.E., C.S.I.—*Pesident.*

The Hon'ble Sardar Bahadur Sardar SUNDAR SINGH, MAJITHIA.

The Hon'ble Lala HARKISHAN LAL.

MANOHAR LAL, Esq., M.L.C.

Sardar RANDHIR SINGH, M.L.C.

Malik FEROZ KHAN, NOON, M.L.C.

Sardar DASAUNDHA SINGH, M.L.C.

1. Proceedings of the last meeting were confirmed.

2. As regards Agendum No. 1, expenditure of Rs. 2,27,445-15-0 on the prospective co-partner's account for the purchase of Plant, Machinery, etc., for the Talwara Saw Mill, under the Head 8—Forest, B—Conservancy

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and Works (Grant No. 4), the Committee did not advise on any part of the case until it was in possession of the whole case. The Committee asked that a brief may be prepared of the whole case by the Financial Commissioner, Development, assisted by Messrs. Noad and Manohar Lal.

3. The Committee advised in favour of the extension of the guarantee from 5 years to 10 years for telephonic connection between Isa Khel and Kamarmashani and therefrom to Kalabagh (Agendum No. 2).

The Committee accorded approval to the transfer of Rs. 11,000 for the establishment of libraries in large villages and towns and of Rs. 11,000 for grant-in-aid to the Punjab Public Library from Head 31—Education (Grant No. 13) to Head 37—Miscellaneous Departments (Grant No. 19) (Agendum No. 3).

MILES IRVING,

Secretary, Finance Committee.

The 29th March 1923.

No. 13.—The following proceedings of a meeting of the Standing Committee of the Punjab Legislative Council on Local Self-Government are published for general information.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

Proceedings of a meeting of the Local Self-Government Standing Committee of the Legislative Council, held in the Committee Room of the Punjab Legislative Council Chamber on the 22nd of March 1923.

PRESENT :

The Hon'ble Khan Bahadur Mian FAZL-I-HUSAIN, Minister for Education, to Government, Punjab.

Sayad GHULAM MUHAMMAD SHAH, M.L.C.

Mian AHMAD YAR KHAN, DAULATANA, M.L.C.

A. LATIFI, Esq., I.C.S., Secretary to Government Punjab, Transferred Departments.

The Committee advised that whole-time salaried officials of Government should be debarred from standing as candidates for election to local bodies.

FAZL-I-HUSAIN,

Miniter for Education.

A. LATIFI,

Secretary to Government, Punjab, Transferred Departments.

2278 PGG—576—5-4-23—SGPP Lahore.

Registered No. L. 864.

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PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, APRIL 20, 1923.

PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 14th April 1923.

No. 14.—The following proceedings of a meeting of the Standing Finance Committee of the Punjab Legislative Council are published for general information :—

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

Proceedings of a meeting of the Standing Finance Committee held on the 26th and the 28th of March 1923 in the Committee Room, Punjab Civil Secretariat, Lahore.

PRESENT :

The Hon'ble Sir JOHN MAYNARD, K.C.I.E., C.S.I., I.C.S., Finance Member, Punjab Government ;

The Hon'ble Sardar Bahadur Sardar SUNDAR SINGH, Majithia, C.I.E., Revenue Member, Punjab Government ;

The Hon'ble Lala HARKISHAN LAL, Minister for Agriculture ;

MILES IRVING, Esq., O.B.E., I.C.S., Financial Secretary, Punjab Government;

Mr. MANOHAR LAL, M.L.C.;

Malik FEROZ KHAN, M.L.C.;

Diwan Bahadur Raja NARENDRA NATH, M.L.C.;

Sardar RANDHIR SINGH of Kalaswala, M.L.C.;

and on 26th only Sayad MUHAMMAD HUSSAIN, M.L.C.

1. Proceedings of the meeting held on the 19th March 1923 were confirmed.

2. Transfer of Rs. 500 from Head 46—Stationery and Printing—Stationery purchased in the country (Grant No. 25) to Head 35—Industries—Industrial Education—School of Arts (Grant No 18), to meet the cost of additional stationery, was sanctioned.

3. The question of the deficit was considered and the following resolutions arrived at:—

(1) The Committee was of opinion that the deficit could not be made up and development provided for during the next five years without additional taxation.

(2) Three non-official members considered that additional revenue not exceeding Rs. 25,00,000 should be raised by taxation. One non-official member considered that an attempt should be made to raise somewhere near a crore.

(3) The Committee was in favour of—

(1) Doubling mutation fees (estimated proceeds 3 lakhs).

(2) Taxation of motor vehicles (estimated proceeds 1 lakh).

(3) Raising the valuation of suits for land revenue (estimated proceeds if 20 years instead of 10 years land revenue is adopted as the basis 12 lakhs).

Total 16 lakhs.

The 29th March 1923.

MILES IRVING,
Secretary, Finance Committee.

76 PGG—676—20-4-23—SGPP Lahore.

Registered No. L. 864.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, APRIL 27, 1923.

PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATIONS.

The 25th April 1923.

No. 15.—The following members form the Standing Committee on Finance constituted under the Punjab Legislative Council Standing Order No. 74-A :—

NOMINATED MEMBERS.

1. The Hon'ble Mr. R. A. Mant, C.S.I., I.C.S., Chairman.
2. The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia, C.I.E.
3. The Hon'ble Khan Bahadur Mian Fazl-i-Husain.
4. The Hon'ble Lala Harkishan Lal.

ELECTED MEMBERS.

5. Mr. Manohar Lal.
6. Sardar Randhir Singh.
7. Sayad Muhammad Husain.
8. Mr. Ganpat Rai.
9. Malik Firoz Khan, Noon.
10. Pir Akbal Ali.
11. Maulvi Muharram Ali, Chishti.
12. Pandit Daulat Ram, Kalia.

No. 16.—The following members form the Standing Committee on Canals constituted under the Punjab Legislative Council Standing Order No. 74-A :—

NOMINATED MEMBERS.

1. The Hon'ble Sardar Bahadar Sardar Sundar Singh, Majithia, C.I.E., Chairman.
2. Mr. C. M. King, C.S.I., C.I.E., I.C.S.
3. Mr. H. P. Tollinton, C.I.E., I.C.S.
4. Mr. W. P. Sangster, C.I.E.

ELECTED MEMBERS.

5. Diwan Bahadur Raja Narendra Nath.
6. Rai Bahadur Lala Sewak Ram.
7. Pir Akbar Ali.
8. Khan Bahadur Sayad Mehdi Shah.
9. Mian Muhammad Shah Newaz.
10. Sayad Muhammad Husain.
11. Sadar Sahib Risaldar Dilbagh Singh.
12. Khan Bahadur Malik Muhammad Amin Khan.

No. 17.—The following members form the Standing Committee on Jails constituted under the Punjab Legislative Council Standing Order No. 74-A :—

NOMINATED MEMBERS.

1. The Hon'ble Mr. R. A. Mant, C.S.I., I.C.S., Chairman.
2. Colonel R. Heard, I.M.S.
3. Mr. D. J. Boyd, I.C.S.

ELECTED MEMBERS.

4. Mian Ahmad Yar Khan, Daultana.
5. Mr. Ganpat Rai.
6. Sayad Muhammad Raza Shah.
7. Sardar Kartar Singh.
8. Maulvi Muharram Ali Chishti.

No. 18.—The following members form the Standing Committee on Industries constituted under the Punjab Legislative Council Standing Order No. 74-A :—

NOMINATED MEMBERS.

1. The Hon'ble Lala Harkishan Lal, Chairman.
2. Mr. H. P. Tollinton, C.I.E., I.C.S.
3. Mr. J. G. Beazley, I.C.S.

ELECTED MEMBERS.

4. Nawabzada Muhammad Irshad Ali Khan.
5. Chaudhri Shafi Ali Khan.
6. Mr. Ganpat Rai.
7. Sodhi Lal Singh.
8. Rai Bahadur Lala Sewak Ram.

No. 19.—The following members form the Standing Committee on Co-operative Societies constituted under the Punjab Legislative Council Standing Order No. 74-A :—

NOMINATED MEMBERS.

1. The Hon'ble Lala Harkishan Lal, Chairman.
2. Mr. H. P. Tollinton, C.I.E., I.C.S.
3. Mr. D. Milne.

ELECTED MEMBERS.

4. Chaudhri Ali Akbar.
5. Sardar Balwant Singh.
6. Chaudhri Ghulam Muhammad.
7. Chaudhri Muhammad Hayat Khan.
8. Rai Bahadur Lala Panna Lal.

No. 20.—The following members form the Standing Committee on Excise constituted under the Punjab Legislative Council Standing Order No. 74-A :—

NOMINATED MEMBERS.

1. The Hon'ble Lala Harkishan Lal, Chairman.
2. Mr. C. M. King, C.S.I., C.I.E., I.C.S.
3. Mr. A. Latifi, O.B.E., I.C.S.

ELECTED MEMBERS.

4. Chaudhri Muhammad Hayat Khan.
5. Mr. K. L. Rallia Ram.
6. Chaudhri Shafi Ali Khan.
7. Pandit Daulat Ram, Kalia.
8. Rai Sahib Chaudhri Raja Singh.

No. 21.—The following members form the Standing Committee on Local Self-Government constituted under the Punjab Legislative Council Standing Order No. 74-A :—

NOMINATED MEMBERS.

1. Tha Hon'ble Khan Bahadur Mian Fazl-i-Husain, Chairman.
2. Mr. A. Latifi, O.B.E., I.C.S.
3. Mr. Miles Irving, O.B.E.. I.C.S.

ELECTED MEMBERS.

4. Mian Ahmad Yar Khan, Daultana.
5. Khan Bahadur Sayad Mehdi Shah.
6. Chaudhri Ali Akbar.
7. Sardar Sahib Risaldar Dilbagh Singh.
8. Mr. Ganpat Rai.
9. Mr. K. L. Rallia Ram.

No. 22.—The following members form the Standing Committee on Public Health constituted under the Punjab Legislative Council Standing Order No. 74-A :—

NOMINATED MEMBERS.

1. The Hon'ble Khan Bahadur Mian Fazl-i-Husain, Chairman.
2. Mr. A. Latifi, O.B.E., I.C.S.
3. Lieut.-Colonel W. C. H. Forster, I.M.S.

ELECTED MEMBERS.

4. Mr. Ganpat Rai.
5. Chaudhri Muhammad Hayat Khan.
6. Sayad Muhammad Raza Shah.
7. Mr. Nawab Din, Murad.
8. Sardar Sahib Risaldar Dilbagh Singh.
9. Lala Kesho Ram.

No. 23.—The following members form the Standing Committee on Agriculture constituted under the Punjab Legislative Council Standing Order No. 74-A :—

NOMINATED MEMBERS.

1. The Hon'ble Lala Harkishan Lal, Chairman.
2. Mr. H. P. Tollinton, C.I.E., I.C.S.
3. Mr. D. Milne.

ELECTED MEMBERS.

4. Sayad Muhammad Husain.
5. Rai Bahadur Lala Sewak Ram.
6. Khan Bahadur Chaudhri Fazl Ali.
7. Sardar Sahib Risaldar Dilbagh Singh.
8. Chaudhri Nabi Bakhsh.

No. 24.—The following members form the Standing Committee on Education constituted under the Punjab Legislative Council Standing Order No. 74-A :—

NOMINATED MEMBERS.

1. The Hon'ble Khan Bahadur Mian Fazl-i-Husain, Chairman.
2. Mr. G. Anderson, C.I.E.

ELECTED MEMBERS.

3. Malik Firoz Khan, Noon.
4. Mr. K. L. Rallia Ram.
5. Mr. Ganpat Rai.
6. Sardar Sahib Risaldar Dilbagh Singh.
7. Mr. Nawab Din, Murad.
8. Maulvi Muharram Ali, Chishti.
9. Khan Bahadur Chaudhri Fazl Ali.
10. Khan Bahadur Khwaja Yusaf Shah.

No. 25.—The following members form the Standing Committee on Land Revenue constituted under the Punjab Legislative Council Standing Order No. 74-A :—

NOMINATED MEMBERS.

1. The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia, C. I. E., Chairman.
2. Mr. C. M. King, C.S.I., C.I.E., I.C.S.
3. Mr. H. P. Tollinton, C.I.E., I.C.S.
4. Mr. Miles Irving, O.B.E., I.C.S.

ELECTED MEMBERS.

5. Sayad Muhammad Husain.
6. Sardar Kartar Singh.
7. Malik Feroz Khan, Noon.
8. Diwan Bahadur Raja Narendra Nath.
9. Mr. Manohar Lal.
10. Mian Muhammad Shah Nawaz.
11. Mr. Ganpat Rai.

No. 26.—The following members form the Standing Committee on Police constituted under the Punjab Legislative Council Standing Order No. 74-A :—

NOMINATED MEMBERS.

1. The Hon'ble Mr. R. A. Mant, C.S.I., I.C.S., Chairman.
2. Mr. D. J. Boyd, I.C.S.

ELECTED MEMBERS.

3. Mian Ahmad Yar Khan, Daultana.
4. Maulvi Muharram Ali, Chishti.
5. Sardar Randhir Singh.
6. Khan Bahadur Malik Muhammad Amin Khan.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

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LAHORE, FRIDAY, MAY 4, 1923.

PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATIONS.

The 27th April 1923.

No. 27.—The following members form the Public Accounts Committee of the Punjab Legislative Council constituted under rule 33 of the Punjab Legislative Council Rules :—

NOMINATED MEMBERS.

1. The Hon'ble Mr. R. A. Mant, C.S.I., Chairman.
2. The Hon'ble Lala Harkishan Lal.
3. Mr. Miles Irving, O.B.E., I.C.S.

ELECTED MEMBERS.

4. Sayad Ghulam Muhammad Shah.
5. Chaudhri Kharak Singh.
6. Mr. Nawab Din, Murad.
7. Mr. K. L. Rallia Ram.
8. Lala Kesho Ram.
9. Sardar Dasaundha Singh.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

175 PGG—676—3-5-23—SGPP Lahore.

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LAHORE, FRIDAY, MAY 11, 1923.

PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 8th May 1923.

No. 28.—The following order by His Excellency the Governor of the Punjab is published for general information :—

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

" ORDER.

In exercise of the powers vested in me under sub-section (2) of section 72-B of the Government of India Act, I, Edward Douglas Maclagan, Governor of the Punjab, hereby appoint Monday, July 30th, at 7 A.M., as the time, and the Council Chamber, Lahore, as the place for holding the eighth session of the Punjab Legislative Council.

LAHORE :
The 2nd May 1923.

E. D. MACLAGAN,

Governor of the Punjab."

215 PGG—676—11-5-23—SGPP Lahore

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LAHORE, FRIDAY, MAY 18, 1923.

PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 12th May 1923.

No. 29.—The following proceedings of a meeting of the Standing Finance Committee of the Punjab Legislative Council are published for general information :—

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

Proceedings of a meeting of the Standing Finance Committee held in the Committee Room of the Council Buildings, Lahore, on Tuesday, the 1st May 1923.

PRESENT :

1. The Hon'ble Mr. R. A. MANT,—*Chairman.*
2. The Hon'ble Sardar Bahadur Sardar SUNDAR SINGH, MAJITHIA.
3. The Hon'ble Khan Bahadur Mian FAZL-I-HUSAIN.
4. The Hon'ble Lala HARKISHAN LAL.
5. MANOHAR LAL, Esq., M.L.C.
6. Sardar RANDHIR SINGH, M.L.C.

7. GANPAT RAI, Esq., M.L.C.
8. Malik FEROZ KHAN, Noon, M.L.C.
9. Maulvi MUHARRAM ALI, Chishti, M.L.C.
10. Pandit DAULAT RAM, Kalia, M.L.C.
11. Sayad MUHAMMAD HUSAIN, M.L.C.

1. The proceedings of the meeting held on 26th and 28th March 1923 were confirmed.

2. With regard to the continuance of the appointment of Machinery Inspector and his staff, the Committee advised for pay of Inspector and Establishment up to the end of necessary notice and thereafter on a basis of Rs. 4,000 a year for current year (Grant No. 21) Major head "41—Civil Works—Transferred—Establishment." (Agenda Item 1.)

3. The Committee accorded approval to the following transfers :—

(i) A sum of Rs. 43,681 for the Reformatory School from Head "25—Jails and Convict Settlements—Jails" (Grant No. 10) to Head "31—Education—(Reserved)—Government Schools—Special." (Grant No. 14). (Agenda Item 2.)

(ii) A sum of Rs. 1,600 provided for Special Kanungos for the districts of Jullundur and Hoshiarpur, for assisting Judicial and Revenue Courts from Head "24—Administration of Justice—Civil and Sessions Courts—Subordinate Judges—Pay of Establishment" (Grant No. 9) to Head "5—Land Revenue—Land Records—District Charges—District and Office Kanungos" (Grant No. 1). (Agenda Item 8.)

(iii) A sum of Rs. 1,500 for grants for St. John Ambulance Association from the Head "33—Public Health—Grants for Public Health Purposes" (Grant No. 16) to Head "32—Medical—Grants for Medical purposes" (Grant No. 15). (Agenda Item 9.)

4. The Committee advised in favour of the submission of supplementary grants to the Legislative Council in respect of the following items :—

(i) Expenditure of Rs. 75,000 for travelling allowance under the Major head "34—Agriculture" (Grant No. 17). (Agenda item 3.)

(ii) Expenditure of Rs. 67,000 for Refunds of Non-Judicial Stamps under Grant No. 36—Refunds—Reserved. (Agenda item 5.)

5. The Committee accorded approval to an expenditure of Rs. 8,517 on the provincialization of the Municipal Board Girls' Middle School at Lyallpur, the amount to be provided from the lump provision of Rs. 30,000 for the expansion of Female Education under the Head "31—Education—Secondary—Grants to Local bodies for Secondary Education." (Grant No. 13 Education—Transferred). (Agenda item 6.)

6. The Committee approved an advance from the Civil Contingencies Fund of Rs. 27,000 on account of the continuance of the appointments of 15 temporary Deputy Superintendents of Police for a period of six months from 1st April 1923, but advised that the money be not recouped except by re-appropriation from savings in the existing grant. (Agenda item 4.)

7. With regard to Talwara Saw-Mill case (Agenda item 7), the Chairman ruled that the expenditure of Rs. 2,27,445-15-0 on the proceedings of the meeting of Standing Finance Committee held on 19th March 1923 having taken place in the past year was now for the Public Accounts Committee and did not come before the Committee. As no matter was placed before it for decision the Standing Finance Committee were unable to give any advice.

LAHORE :
The 1st May 1923.

MILES IRVING,
Secretary to the Standing Finance Committee.

Registered No. L. 864.

Government Gazette

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LAHORE, FRIDAY, JULY 6, 1923.

PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATIONS.

The 2nd July 1923.

No. 30.—His Excellency the Governor of the Punjab is pleased to accept the resignation of Mr. A. Latifi, O.B.E., I.C.S., Secretary to Government, Punjab, Transferred Departments, of his membership of the Standing Committee of the Punjab Legislative Council on Public Health.

No. 31.—Under the provisions of Standing Order 74-A (2) of the Punjab Legislative Council Standing Orders, His Excellency the Governor of the Punjab is pleased to nominate Colonel R. Heard, M.D., V.H.S., I.M.S., as a member of the Standing Committee of the Punjab Legislative Council on Public Health in the vacancy caused by the resignation of Mr. A. Latifi, O.B.E., I.C.S.

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

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LAHORE, FRIDAY, JULY 20, 1923.

PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATIONS.

The 11th July 1923.

No. 32.—The following proceedings of a meeting of the Standing Committee of the Punjab Legislative Council on *Education* are published for general information.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

Proceedings of a meeting of the Education Committee of the Punjab Legislative Council, held at Simla in the Committee Room of the Punjab Civil Secretariat, on Saturday, the 23rd June 1923, at 10-30 a.m.

There were present—

The Hon'ble Minister for Education (*Presiding*).

The Director of Public Instruction.

N. D. MURAD, Esq., M.L.C.

Sardar Sahib Risaldar DILBAGH SINGH, M.L.C.

K. L. RALLIA RAM, Esq., M.L.C.

1. The Director of Public Instruction laid on the table a return, recently compiled, showing the increased enrolment in schools for boys and

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adults during the year 1922-23. The Committee expressed its great satisfaction at the results achieved and decided that the statement should be incorporated in the proceedings.

STATEMENT.

	Boys Schools.		Adult Schools.	Total.
	Public.	Private.		
Ambala Division	13 897	1,968	2,069	17,924
Jullundur Division	16,457	2,151	499	19,107
Multan Division	25,772	5,105	3,854	36,461
Rawalpindi Division	38,659	4,443	8,547	42,763
Lahore Division	29,498	4,957	2,781	37,236
Grand Total	...	...	...	1,51,671

2 *Proposal of the Punjab University to include Education as an elective subject for the B. A. Examination.*—The Committee decided unanimously to record that it was not in favour of the proposal to include Education as a professional subject in the examination for the B. A. degree with two written papers and a practical test and a certificate to the effect that the candidate had attended not less than eight criticism lessons and eighteen observation lessons and had personally taught a school class not less than thirty days. The Committee, however, considered that Education as an elective subject including Psychology and Political Science (Civics) would be of great value to University students likely to enter public life. The Committee therefore advised accordingly.

3. *Proposal of the Central Advisory Board to institute a new type of public school in India (vide Appendix I).*—The Committee advised unanimously in favour of the establishment of a school on the lines suggested.

4. *Proposed simplification of Courses in Vernacular Schools.*—The Committee considered a note submitted by the Director of Public Instruction (*vide* Appendix II), indicating lines along which reform had been suggested, and after lengthy discussion decided to advise—

(*a*) that the proposal to work towards the ideal of a six-class instead of a four-class elementary school be accepted ;

(*b*) that simplification of the primary school course, that is, the reduction of subjects to the three R's, and the inclusion of other subject matter in the readers, should apply to all, and not to particular primary schools ;

(*c*) that the proposals regarding the institution of a 'composite' subject in the four classes of the middle department which would embrace other subjects now regarded as separate, be approved ;

(*d*) that efforts be made to improve the general education of the vernacular teacher, and that this improvement be effected preferably by extending the senior vernacular course from one to two years than by adding advanced classes to the vernacular middle school.

5. *Adult Education.*—The Committee expressed its gratification at the very satisfactory beginning which had been made in the establishment of night schools, and approved the proposal that adult education should be further developed by means of lectures and the dissemination of useful information.

APPENDIX I.

THE Board believes that there is a limited but genuine demand in India for secondary education of a higher type than that provided by the ordinary Indian high school, and that a sufficient clientele would be found in certain centres, *e.g.*, Bombay, to support institutions providing such education.

The Board also considers that in view of the changing conditions in India there is real need for the provision of such a higher type of secondary education, and is in favour of the early establishment of one or more institutions designed to provide it.

The type of school which the Board has in mind differs from that which was held in Hastings House in that it would not aim to prepare boys for English universities, but would prepare them for admission through Indian universities and professional colleges into public life and service. To fulfil this aim the institutions should be residential, should admit pupils between the ages of 11 to 18 approximately, the final standard of the education provided being equivalent to that of the Intermediate in Arts or Science. The classes should be small and the teachers well paid, well-qualified and specially selected. The institutions should not be too closely modelled upon English public schools. Separate messes for students of different creeds might be maintained.

A special feature of such institutions should be well designed courses of manual training, scouting and drill, while sports and games would naturally be encouraged.

The system of private attendance and private tuition which is permitted in Chiefs' colleges should be prohibited.

Government should have no direct responsibility for the conduct of these institutions, though its help in the initial stages and patronage would be beneficial. Government, for example, might consider itself justified in giving a capital grant towards building or land or, as in the case of the Hastings House School in providing the institutions with premises in some disused building.

The institutions should be under private management and self-supporting, though some members of the Board think that they would be entitled to maintenance grants under the ordinary rules. It is believed that a monthly fee of from Rs. 100 to Rs. 150 per pupil should be sufficient to maintain a school of this type for one hundred boys.

The Board desires to recommend that, in view of the public need which such institutions will fulfil, Local Governments should take the initiative towards their establishment by circulating this resolution of the Board amongst gentlemen likely to be interested in schools of this character and by summoning conferences of such persons.

APPENDIX II.

SIMPLIFICATION OF VERNACULAR COURSES.

A Committee has recently sat in Lahore to consider the possibility of simplifying vernacular courses with a view to improving the efficiency of the instruction in vernacular schools, especially in the essentials of education, and in those primary schools which are at present, and are likely for some time to come to be, inadequately staffed.

2. The report of this committee has been prepared and is at present in circulation among the members. It will, in due course, be dealt with by the Department, but the advice of the committee would, in the meantime, be valuable on the following points.

3. The report shows that at the commencement of its deliberations the committee endorsed the frequently expressed opinion that the four-class primary school should not be regarded as the ideal elementary school of the future, and resolved to recommend that Government at once announce the policy of working towards an elementary school of six classes which has been rendered feasible by the recent introduction of the new type of school known as the lower middle school. It is also recommended that immediate steps be taken towards the realization of this policy by a systematic annual increase in the number of lower middle schools until the four-class school is eventually eliminated.

4. Steps have recently been taken to add a second teacher to a large number of schools in charge of a single teacher. The committee was of opinion that this measure of assistance should be continued to local bodies until every school had at least two teachers.

5. with regard to the revision of courses it was laid down by the committee that all modifications should be tested by certain principles:—

(*a*) that emphasis be laid on essentials, *i.e.*, the three R's, without altogether excluding instruction in other subjects which might be regarded as necessary or desirable;

(*b*) that multiplication of subjects should be avoided; and

(*c*) that the matter taught should be brought into the closest possible relationship with the life and environment of the pupil.

6. With these principles in view the committee has proposed a minimum course, consisting essentially of the 3 R's and physical training for the primary department with a view to making every pupil who passes through the course a useful literate. Special emphasis is to be laid on the vernacular and general knowledge of the elements of geography, nature study, sanitation, hygiene, co-operation, etc., is to be included in readers to be newly prepared. All subjects to be taught as practically as possible. The proposals make it possible for well-staffed primary schools, with the approval of the D. I. to amplify this syllabus.

7. The six-class school should have at least three teachers, and if this principle is accepted the syllabus need not be so restricted. Therefore in addition to the 3 R's, room should be found for geography as a separate subject, and for a new subject, which would include simple lessons on the branches mentioned above in connection with the primary readers, to be called General Knowledge. Physical training should be continued as at present. In conformity with its first resolution the committee urged that the lower middle school should be regarded rather as the crown of the primary course than a preliminary to the secondary. It hesitated therefore to include languages other than the vernacular at this stage.

8. The chief modification proposed in the upper middle classes is the inclusion of "rural science" a composite subject, including the same subjects as recommended for the lower stages but on more scientific lines. Thus, the pupils would proceed from the story method in the primary through general knowledge in the lower middle to a scientific (though elementary) knowledge of matters which will concern their practical life after leaving school in the upper middle classes.

9. The committee was strongly of opinion that the time had come when an attempt should be made to provide a more advanced course in vernacular education than the best at present available, *viz.*, that prescribed for the Vernacular Final Examination. This was thought to be desirable for the ordinary student, but absolutely essential for the would-be teacher, much of whose alleged inefficiency is traceable to the poverty of his knowledge and the inadequacy of his general training. It was suggested in this connection that in one vernacular school in each district a higher course of at least a year should be provided. The committee was of opinion that in the event of such a course being instituted pupils passing through the course might be eligible for admission direct to the S. V. course.

The 12th July 1923.

No. 33.—The following proceedings of a meeting of the Standing Finance Committee of the Punjab Legislative Council are published for general information.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

Proceedings of a meeting of the Standing Finance Committee of the Legislative Council, held at Simla on the 25th and 26th of June 1923.

PRESENT :

1. The Hon'ble Mr. R. A. MANT, C.S.I., I.C.S.—(*Chairman*).
2. The Hon'ble Sardar Bahadur Sardar SUNDAR SINGH, Majithia, C.I.E.
3. The Hon'ble Khan Bahadur Mian FAZL-I-HUSAIN.
4. The Hon'ble Lala HARKISHAN LAL.
5. MANOHAR LAL, Esquire, M.L.C.
6. GANPAT RAI, Esquire, M.L.C.
7. S. MUHAMMAD HUSSAIN, M.L.C.
8. Pandit DAULAT RAM, Kalia, M.L.C. (on 25th only).
9. Maulvi MUHARRAM ALI, Chishti, M.L.C. (on 26th only).
10. Pir AKBAR ALI, M.L.C. (on 26th only).

1. The proceedings of the meeting held on 1st May 1923 were confirmed.

2. With regard to the reappropriation of Rs. 45,0-0 required for the extension of the water-supply and drainage system in the Punjab Lunatic Asylum, Lahore, from the provision for Itinerating Dispensaries under the head 32—Medical Hospitals and Dispensaries (Grant No 11) to the head 41—Civil Works—Reserves for Original Works—Buildings (Grant No. 21) to recoup the reserve from which the expenditure is already being incurred, the Committee advised in favour of submission of a token demand to the Legislative Council subject to further inquiry as to whether the water-supply could be obtained in a cheaper way by sinking tubes in the existing wells or obtaining water from the Municipal Committee, Lahore.

3. The Committee advised in favour of submission of supplementary demands to the Legislative Council in respect of the following items :—

(*i*) Expenditure of Rs. 8(,0 0 for Refunds under the receipt head VI—Excise (Grant No. 37—Refunds, Transferred). (Agenda item 2.)

(*ii*) Expenditure of Rs. 12,650 to meet cost of the temporary staff entertained in connection with the Multan Electric Scheme under the head 41—Civil Works (Transferred) Establishment, Special Officers (Grant No. 21).

(Out of the sum asked for the Committee agreed that Rs. 5,000 may be credited to the Civil Contingencies Fund in recoupment of that fund.) (Agenda item 4.)

(*iii*) Supplementary grant of Rs. 40,148 to provide for lapses from the provision made in the Budget for 1922-23 for the construction of the Punjab Technical College, Mughalpura, under the head 35—Industries—Industrial Education (Grant No. 18). (Agenda item 5.)

(*iv*) Supplementary grant of Rs. 2,8?0 for printing of registers to enable the enforcement of new rules for the registration of Timber Depôts, under the head 46—Stationery and Printing, Printing at private presses,—Forests (Grant No. 24). (Agenda item 6.)

(*v*) Supplementary grant of Rs. 40,000 to meet the cost of additional Police for Amritsar under the head 2?—Police—District Executive Force (Grant No. 11). (Agenda item 13.)

(*vi*) Supplementary grant of Rs. 20,000 to meet additional expenditure in connection with the British Empire Exhibition under the head 35—Industries Miscellaneous (Grant No. 18). (Agenda item 14.)

(*vii*) Supplementary grant of Rs. 2,200 to meet expenditure on the Committee appointed to report on the working of the Land Preservation (Chos) Act in the Hoshiarpur District under the head 5—Land Revenue—Charges of Administration—Forest Revenues and Grazing Lands (Grant No. 1). (Agenda item 20.)

(*viii*) Supplementary grant of Rs. 64, 75 for 'travelling allowance' under the head 41—Civil Works (Transferred) (Grant No. 21). (Agenda item 23.)

(*ix*) Supplementary grant of Rs. 1,00,000 for the award of scholarships for the sons of Indian soldiers who took part in the war, under the head 31—Education—General—(Scholarships) (Grant No. 13). (Agenda item 26.)

(*x*) Supplementary grant of Rs. 10,500 to meet expenditure on the operations with the object of arresting the Babbar Akali gang, under the head 26—Police—Criminal Investigation Depart-

ment (Grant No. 11): under pay of Establishment on account of special constables, Rs. 6,750, and under Supplies and Services on account of purchase of motor-car, Rs. 3,750. (Agenda item 27.)

(*xi*) Supplementary grant of Rs. 5,000 required for the composition of articles for the Press under the head 22—General Administration—Civil Secretariat (Grant No. 8). (Agenda item 29.)

4. With regard to a supplementary grant of Rs. 15,000 to restore the provision of Rs. 19,068 for Forest Rangers under the head 5—Land Revenue, Charges of Administration—Forest Reserves and Grazing Lands (Grant No. 1), which was reduced by the Legislative Council to Rs. 4,038, the Committee advised in favour of the submission of a supplementary demand to the Legislative Council subject to explanation being made to the Council of the question of misclassification so that the Council might be assured that the item did not appear elsewhere. (Agenda item 3.)

5. The Committee by a majority advised in favour of the submission of a supplementary demand to the Legislative Council for Rs. 7,500 with a view to restore provision made in the budget for settlement allowances to Settlement Officers and Extra Assistant Settlement Officers which was reduced by the Legislative Council under head 5—Land Revenue—Survey and Settlement (Grant No. 1). (Agenda item 16.)

6. With regard to a supplementary grant of Rs. 40,000 to meet expenditure during the current financial year on the re-settlement of the Attock District, the Committee by a majority advised in favour of the submission of a supplementary demand to the Legislative Council (Grant No. 1).

(*Note.*—The elected members protested against the delay in introducing the Land Revenue Act Amendment Bill.) (Agenda item 21.)

7. The Committee by a majority advised in favour of submission of a supplementary demand of Rs. 40,000 to the Legislative Council to meet expenditure during the current financial year on the re-settlement of certain estates irrigated by the Upper and Lower Chenab Canals (Grant No. 1).

(S. Muhammad Hussain and Mr. Ganpat Rai desired their complete dissent to be recorded from the above decision.) (Agenda item 22.)

8. The Committee advised against submission of supplementary demands to the Legislative Council in respect of the following items with the remark that an attempt should be made to meet the expenditure by reappropriation:—

(*i*) Expenditure of Rs. 8,000 for officers on special duty under the head 22—General Administration—Civil Secretariat (Grant No. 8). (Agenda item 8.)

(*ii*) Expenditure of Rs. 1,800 required by the Deputy Commissioner, Dera Gházi Khan, under the head 47—Miscellaneous, Miscellaneous and Unforeseen Charges, Miscellaneous expenses (Grant No. 25). (Agenda item 15.)

9. The Committee advised in favour of submission of a supplementary demand of Rs. 35,300 for the survey of the diversion of the Sutlej Valley Railway line under the head 60—Civil Works—Capital Expenditure—Communications Board (Grant No. 33) and of a token demand for Rs. 24,000 for communications in the Nili Bar Colony under the same head, by reappropriation from "41—Civil Works." (Agenda item 19.)

10. The Committee accorded its approval to the expenditure of Rs. 19,140 provided for in the current year's budget under the head 6—Police—District Executive Force—other allowances and honoraria (Grant No. 11) for the grant of compensatory allowances to non-gazetted establishment in Murree, Kasauli, Dalhousie, Dharamsála and Kulu Sub-Divisions. (Agenda item 11.)

11. The Committee noted the surrender of Rs 28,000 voted by the Legislative Council for contribution to the Ránchi Lunatic Asylum under the head 32—Medical—Lunatic Asylum (Grant No. 15), as the payment had been declared as non-voted. (Agenda item 28.)

12. With regard to the expenditure of Rs. 71,559 for additional police for Jullundur and Hoshiárpur Districts to recoup an advance from the Civil Contingencies Fund, under the head 26—Police—District Force (Grant No. 11) the Committee accorded its approval to the advance from the Civil Contingencies fund and advised in favour of submission of a supplementary demand to the Legislative Council. (Agenda item 24.)

13. The Committee accorded its approval to the following transfers :—

(i) A sum of Rs. 1,04,000 for purchase of quinine from the head 3-C.—Public Health Expenses in connection with Bubonic Plague, Malaria Epidemics (Grant No. 14) to the head 32—Medical, Grants for medical purposes (Grant No. 15). (Agenda item 10.)

(ii) A sum of Rs. 1,50.000 for the work of remodelling Main Line, Lower Gujránwála Division, Upper Chenab Canal, from the head XIII—Working Expenses—Extensions and Improvements (Grant No. 6) to the head 55—Construction of Irrigation, Embankment and Drainage Works—A—Irrigation Works, Productive. (Grant No. 30.) (Agenda item 12.)

(iii) A sum of Rs. 10,800 for the pay of Principal, Lawrence School, Ghora Gali, from the head 31—Education—Secondary—Government Schools,—General (Transferred) (Grant No. 13) to the head 31—Education—Secondary—Government Secondary Schools (Reserved) (Grant No. 14). (Agenda item 18.)

14. The Committee advised in favour of submission of token demands to the Legislative Council in respect of the following items :—

(i)* Reappropriation of Rs. 20,000 for additional expenditure on Original Works, Buildings at Government House, Lahore, and Barnes Court, Simla (Grant No. 20), Major head 41—Civil Works (Reserved) from the reserve for original works in progress—Buildings (Transferred) (Grant No. 21) Major head 41—Civil Works (Transferred). (Agenda item 9.)

(ii) Reappropriation of Rs. 12,000 from the head 31—Education—Secondary—Government Secondary Schools (Reserved) (Grant No. 14) to the head 41—Civil Works, Original Works, Buildings—European and Anglo-Indian Education (Grant No. 21) to meet cost of certain minor works at the Lawrence School, Ghora Gali. (Agenda item 17.)

(iii) Reappropriation of Rs. 15,000 from savings under allotment of Rs. 1,50,000 for Power House for Dyeing Factory and Tannery under the head 60—Civil Works—Capital (Grant No. 33) to High Commissioner's expenditure in England for stores, Rs. 10,000 and Loss by Exchange, Rs. 5,000, under the head 35—Industries (Grant No. 18). (Agenda item 25.)

15. It was decided that the next meeting of the Committee be held at Simla on the 10th and 11th September 1923, at 11 A.M.

The 14th July 1923.

No. 34.—The following order by His Excellency the Governor of the Punjab is published for general information.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

" ORDER.

IN supersession of my order dated the 2nd May 1923 and in exercise of the powers vested in me under sub-section (2) of section 72 B of the Government of India Act, I,

Edward Douglas Maclagan, Governor of the Punjab, hereby appoint Saturday, October the 20th 1923 at 2 P.M. as the time, and the Council Chamber, Lahore, as the place for holding the eighth session of the Punjab Legislative Council.

E. D. MACLAGAN,

SIMLA :

Governor of the Punjab."

The 11th July 1923.

The 16th July 1923.

No. 35.—The following proceedings of a meeting of the Standing Committee of the Punjab Legislative Council on *Local Self-Government* are published for general information.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

A meeting of the Standing Committee on Local Self-Government was held at " Ellerslie " on June the 22nd, 1923, there being present :—

1. The Hon'ble K. B. MIAN FAZL-I-HUSAIN, – *Chairman.*
2. Mr. A. LATIFI, O.B.E., I.C.S.
3. Sardar Sahib Risaldar DILBAGH SINGH, M.L.C.
4. Khan Bahadur Sayad MEHDI SHAH, M.L.C.
5. Mr. GANPAT RAI, M.L.C.
6. Chaudhri ALI AKBAR, M.L.C.
7. Mr. K. L. RALLIA RAM, M.L.C.

The Committee advised in favour of payment, subject to budget provision, of travelling allowance to non-official members (elected as well as nominated) of District Boards travelling on District Board duty (other than attendance at Board or sub-committee meetings) at a rate not exceeding 2 annas per mile for road journeys, Rs. 2 per diem for halts and one single second class fare with one servant's class ticket for Railway journeys : the concession to be subject to the condition that no travelling allowance should be paid to members within their own circles ; the circle of a nominated non-official member being, for the purpose of this concession, the circle of the elected member wherein the nominated member resides.

2. The Committee advised that the assessment and collection of Haisyat and profession taxes by District Boards should be through the agency of a borrowed Government servant, of a rank not below that of Tahsildar, with experience of such work.

3. The Committee approved of the issue of a rule to the effect that no member of a local body shall be present at or take part (including voting) in any proceedings of the local body (or its sub-committee) relating to any matter in which he or his parents or any descendants of his parents or the spouses of such descendants have a direct or indirect pecuniary interest.

4. The Committee advised in favour of a set of model business bye-laws for all Municipal Committees. They advised against the framing of rules giving Presidents of Municipal Committees the power to eject unruly members from Committee meetings, on the ground that section 16 (1) (*e*) of the Punjab Municipal Act, 1911, which gives the Local Government the power of removing any member of a Municipal Committee who has flagrantly abused his position as a member, is sufficient.

5. The Committee advised that the provision of free accommodation to Zaildars, Sufedposhes and Lambardars at Tahsil headquarters should be declared to be a legitimate charge on the funds of District Boards. Such expenditure should, however, be subject to careful scrutiny by the Deputy Commissioner and Commissioner, who should, before giving sanction, satisfy themselves as to the adequacy of the resources of the District Board.

6. The Committee advised against the acceptance of Mr. K. L. Rallia Ram's resolution before the Legislative Council which recommends 'the abolition of communal electorates in the various local bodies in the Province without affecting the number of seats allotted to different communities.' They advised, however, in favour of communal electorates in those Municipal Committees where communal electorates are keenly demanded.

7. The Committee advised in favour of the institution of an Executive Officer in all municipalities with a minimum income of 4 lakhs per annum.

8. The Committee advised that the method of election for Small Towns Committees should be the same as in the Municipal Committees wherein open voting prevails, and the extent of representation of any community in a Small Town Committee should be in proportion to the population of that community as modified by its voting strength, wards being so constructed as not to defeat the above principle.

FAZL-I-HUSAIN,
Minister for Education.

A. LATIFI,
Secretary to Government, Punjab,
Transferred Departments.

631 PGG—373—20-7-23—SGPP Lahore.

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PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 26th July 1923.

No. 36.—The following recommendations of the meeting of the Standing Committee of the Punjab Legislative Council on Public Health are published for general information :—

ABNASHA SINGH,

Secretary, Legislative Council.

A meeting of the Standing Committee on Public Health was held at "Ellerslie" on June the 21st, 1923.

PRESENT.

1. The Hon'ble Khan Bahadur Mian FAZL-I-HUSAIN,—*Chairman.*
2. Col. R. HEARD, I. M. S., Inspector-General of Civil Hospitals, Punjab.
3. Lt.-Col. W. H. C. FORSTER, I. M. S., Director of Public Health, Punjab.
4. Chaudhri MUHAMMAD HAYAT KHAN, M. L. C.
5. Sardar Sahib Risaldar DILBAGH SINGH, M. L. C.
6. Mr. NAWAB DIN MURAD, M. L. C.
7. Sayad MUHAMMAD RAZA SHAH, M. L. C.
8. Mr. GANPAT RAI, M. L. C.
9. Lala KESHO RAM, M. L. C.

1. The Committee advised that an effort should be made to provide four new Medical Officers of Health every year until each District Board in the Punjab is provided with one.

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2. The Committee advised the trial of a scheme of village dispensaries in charge of subsidised private doctors : building and equiping dispensaries at an initial cost of, say, Rs. 5,000, providing a free house for the medical practitioner at an initial cost of about Rs. 1,500 or so, *i.e.*, total cost not exceeding Rs. 7,000 in all. There would be in addition an annual subsidy of Rs. 1,200 on account of honorarium and medicines, etc. Such medical men will have to perform the duties of the Public Health Department as well.

3. The Committee approved the principle of a "fluid fund" in the Public Health Department Budget for the prevention of epidemics.

4. The Committee strongly urged that the admitted difficulty of providing adequate training in midwifery should not be allowed as a ground for reducing admissions to the King Edward Medical College, Lahore. In order to avoid such reduction they advised the establishment of a temporary maternity hospital pending the establishment of the permanent institution.

5. The Committee approved in principle the scheme for establishing a laboratory for the diagnosis of disease in the headquarters' dispensary of every district : hoping at the same time that the initial and recurring expenditure as now estimated by the Medical Department would be reduced. The recurring expenditure on Sub-Assistant Surgeons could, it was suggested, be avoided by:—

(*a*) using a Medical Officer of Health wherever available, or

(*b*) using some medical officer on the staff of the hospital, and

(*c*) making one laboratory serve more than one district.

FAZL-I-HUSAIN,
Minister for Education.

A. LATIFI,
Secretary to Government, Punjab,
Transferred Departments.

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LAHORE, FRIDAY, OCTOBER 5, 1923.

PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 1st October 1923.

No. 37.—The following proceedings of a meeting of the Standing Finance Committee of the Punjab Legislative Council are published for general information.

ABNASHA SINGH,
Secretary, Legislative Council.

Proceedings of a meeting of the Standing Finance Committee of the Punjab Legislative Council, held at Simla on the 10th and 11th of September 1923.

PRESENT:

1. The Hon'ble Mr. R. A. MANT, C.S.I. (*Chairman*).
2. The Hon'ble Sardar Bahadur Sardar SUNDAR SINGH, MAJITHIA, C.I.E.
3. The Hon'ble Khan Bahadur Mian FAZL-I-HUSAIN.
4. The Hon'ble Lala HARKISHAN LAL.
5. MANOHAR LAL, Esq., M.L.C.
6. GANPAT RAI, Esq., M.L.C.
7. Pir AKBAR ALI, M.L.C.
8. Pandit DAULAT RAM, Kalia.

1. The proceedings of the meeting held on 25th and 26th June 1923 were confirmed.

2. The Committee accorded its approval to the following transfers:—

(i) A sum of Rs. 7,620, on account of fees for conducting blood-stain cases examined by the Imperial Serologist from the head "24—Administration of Justice—Criminal Courts"—(Grant No. 9)—to the head "32—Medical, Chemical Examiner"—(Grant No. 15). (*Agenda item* 2.)

(ii) A sum of Rs. 34,667 on account of pay of Excise peons from the head "22—General Administration—District Administration—General Establishment"—(Grant No. 8)—to the head "6—Excise, District Executive Establishment—District Establishments"—(Grant No. 2). (*Agenda item* 3.)

(iii) A sum of Rs. 36,000 on account of voted expenditure of Legal Remembrancer and Secretary to Government, Punjab, from the head "24—Administration of Justice, Law Officers"—(Grant No. 9)—to the head "22—General Administration—Civil Secretariat"—(Grant No. 8). (*Agenda item* 4.)

(iv) A sum of Rs. 9,922 on account of Circuit and Sessions House Establishments from the head "47—Miscellaneous, Circuit and Sessions House Establishments"—(Grant No. 25)—to the head "24—Administration of Justice—Civil and Sessions Court—District and Sessions Judge (Rs. 4,092)"—(Grant No. 9)—and "22—General Administration—District Administration—Other Establishments (Rs. 5,830)"—(Grant No. 8). (*Agenda item* 5.)

(v) A sum of Rs. 22,000 on account of printing paper and stationery required for electoral rolls and for use in the office of the Elections Commissioner from the head "22—General Administration—Legislative Council"—(Grant No. 8)—to the head "46—Stationery and Printing—Stationery supplied from Central Stores"—(Grant No. 24). (*Agenda item* 6.)

(vi) A sum of Rs. 15,000 for constructing purdah walls at the Normal Schools for Women at Rawalpindi and Lyallpur from the provision of Rs. 37,700 for the purchase of buildings for Ludhiana College, under the head "41—Civil Works—Original Works—Buildings—Education (Transferred)"—(Grant No. 21). (*Agenda item* 19.)

3. The following proposals were withdrawn from the agenda:—

(i) Transfer of Rs. 1,636 from the head "55—Construction of Irrigation"—(Grant No. 3)—to the head "26—Police—District Executive Force"—(Grant No. 11)—on account of the cost of Police guard at the Shahdara Inspection House of the Irrigation Department. (*Agenda item* 7.)

(ii) Re-appropriation of Rs. 19,369 required for the construction of a combined office and residence for the Assistant Superintendent of Police at Kasur in the Lahore District under the head "41—Civil Works (Police)" from savings anticipated in the provision of Rs. 7 lakhs for the construction of barracks in the Lahore Civil Station under the head "41—Civil Works—General Administration (Transferred)"—(Grant No. 21). (*Agenda item* 10.)

4. The Committee advised in favour of submission of token demands to the Legislative Council in respect of the following items:—

(i) Re-appropriation of Rs. 2,400 required for repairs to the Reformatory Settlement Building at Amritsar from the provision for Original Works Buildings—General Administration under the head "41—Civil Works"—(Grant No. 21)—to the head "26—Police, District Executive Force—Reclamation of Criminal Tribes"—(Grant No. 11). (*Agenda item* 8.)

(*ii*) Re-appropriation of Rs. 16,000, required for expenditure in connection with His Excellency the Viceroy's visit to Lahore from the provision of Rs. 7 lakhs for the construction of barracks in the Lahore Civil Station under the head "41—Civil Works—Original Works—Buildings—General Administration"—(Grant No. 21)— to the head "22—General Administration—Tour Expenses"—(Grant No. 8). (*Agenda item* 13.)

(*iii*) Re-appropriation of Rs. 8,500, required for the staff to carry out commercialisation of Forest accounts from savings in the grant under the head "8—Forests"—(Grant No. 4). (*Agenda item* 15.)

(*iv*) Re-appropriations (1) of Rs. 26,720 required for metalling approach road and roads inside the Tannery from the provision of Rs. 3,03,850 under the head "56-C—Capital Outlay on Industrial Development"—(Grant No. 31)—to the head "60—Civils Works—Capital Expenditure"—(Grant No. 33) -and (2) of Rs. 14,772 and Rs. 4,457 for certain works at Tannery and Dyeing School and Factory, respectively, from the grants for the Tannery and Dyeing School, respectively, under the head "56-C—Capital Outlay on Industrial Development"—(Grant No. 31)—to the corresponding grant under the head "60—Civil Works—Capital Expenditure"—(Grant No. 33). (*Agenda item* 16.)

(*v*) Additional grants of Rs. 2,31,297 under the head "XIII—Irrigation—Working Expenses"—(Grant No. 6)—and of Rs. 1,40,250 under the head "55—Construction of Irrigation"—(Grant No. 30)—under the primary unit "Travelling Allowance"—to be met by re-appropriation from the existing grants for "Works" under the head "55—Irrigation—Construction"—(Grant No. 30). (*Agenda item* 21.)

(*vi*) Restoration of the reduction of Rs. 3,000, made by the Legislative Council in the grant for travelling allowance under the head "5—Land Revenue—Charges of Administration—Forest Reserves and Grazing lands"—(Grant No. 1)—by re-appropriation from savings anticipated in the grant for travelling allowance under the Minor head "Survey and Settlement" subordinate to the same Major head. (*Agenda item* 26.)

(*vii*) Supplementary grant of Rs. 7,333 required for the staff in connection with the Renala Hydro-Electric Power Scheme under the head "XIII—Irrigation—Working Expenses" to be met by reappropriation from the funds at Chief Engineer's disposal under "XIII-A (1) Working Expenses"—(Grant No. 6). (*Agenda item 27.*)

5. The Committee by a majority advised in favour of submission of a token demand to the Legislative Council for re-appropriation of Rs. 1,000 to provide additional grant for "Travelling allowance" of the officials of the Fisheries Department under the Major Head "35—Industries, Minor Head Fisheries"—(Grant No. 18)—from the supplementary grant of Rs. 75,000 for travelling allowance of the Agricultural Department under the head "34—Agriculture"—(Grant No. 17). (*Agenda item 14.*)

6. The Committee advised in favour of submission of supplementary demands to the Legislative Council in respect of the following items :—

(*i*) Expenditure of Rs. 28,564, for the purchase of furniture for the new wing of the High Court Building at Lahore, under the head "24—Administration of Justice—High Court"—(Grant No. 9). (*Agenda item 11.*)

(*ii*) Expenditure of Rs. one lakh, for payment of fees to Public Prosecutors and Government Pleaders under the head "24—Administration of Justice—Law Officers—Mufassil Establishment—Other allowances and honoraria"—(Grant No. 9). (*Agenda item 12.*)

(*iii*) Expenditure of Rs. 5,193 under the head "26—Police—Railway Police" (Grant No. 11) to meet expenses of the Railway Police Station of Pákpattan, Montgomery District, owing to the re-opening of the Kasúr-Pákpattan section of the Sutlej Valley Railway.—(*Agenda item* 20.)

7. The Committee by a majority advised in favour of submission of a supplementary demand to the Legislative Council for Rs. 13,630 to cover expenses on account of entertainment of the Financial Adviser for the Irrigation Branch of the Public Works Department, Punjab, and his establishment during the year 1923-24 under the head "22—General Administration—Civil Secretariat"—(Grant No. 8). (*Agenda item* 20.)

8. The Committee advised in favour of submission of a supplementary demand to the Legislative Council in respect of the following items subject to a lump deduction of Rs. 50,000 for anticipated savings under all grants :—

(*i*) Expenditure of Rs. 1,11,142, under the head "26—Police—District Executive Force, Police Force"—(Grant No. 11)—on account of additional Police recommended by the Police Committee. (*Agenda item* 24.)

(*ii*) Expenditure of Rs. 1,70,451 for Additional Police required for the Hoshiárpur and Jullundur Districts under the head "26—Police—District Executive Force"—(Grant No. 11). (*Agenda item* 9.)

9. The Committee accorded its approval to the advance from the Civil Contingencies Fund and advised in favour of submission to the Legislative Council a supplementary demand for a further sum of Rs. 2,500 in addition to the Rs. 5,000 advanced,—*vide* paragraph 3 (*ii*) of the proceedings of the Standing Finance Committee meeting held on the 25th and 26th June, 1923, to meet cost of the temporary staff for the Multán Electric Scheme under the head "41—Civil Works—Establishment (Transferred)"—(Grant No. 21). (*Agenda item* 17.)

10. With regard to a supplementary grant of Rs. 26,500 for expenditure during the year 1923-24 to wind up the Talwara Saw Mill Project, under the head "8—Forests—Conservancy and Works"—(Grant No. 4)—the Committee remarked that it was not in a position at present to express any opinion. (*Agenda item* 18.)

11. The Committee by a majority advised in favour of submission of a token demand to the Legislative Council for Rs. 2,250 with a view to res tore provision made in the budget for payment of rent of the Serai hired for use as tahsil headquarters of the former Zafarwál Tahsil at Nárowál in the Siálkot District under the head "22-E—General Administration—District Administration—Sub-Divisional Establishment—Contingencies" by re-appropriation from the reserve of Rs. 38,000 for supply of commodities to touring officers under the Major Head "22—General Administration"—(Grant No. 8). (*Agenda item* 23.)

(NOTE.—The Hon'ble Chairman ruled that there is nothing to prevent the Standing Finance Committee advising that a demand be presented to the Legislative Council to restore a grant once thrown out by the Council.)

12. With regard to the additional grant of Rs. 30,000 to meet expenditure during the current financial year on the re-settlement of certain estates irrigated by the Upper and Lower Chenab Canals under the head "5—Land Revenue—Survey and Settlement"—(Grant No. 1)—to be met by re-appropriation from savings anticipated within the allotment for the Major Head "5—Land Revenue," the Committee by a majority (Mr. Ganpat Rai being against the proposal) advised in favour of submission of a supplementary demand to the Legislative Council along with the original demand of Rs. 40,000. (*Agenda item* 25.)

13. It was decided that the next meeting of the Committee be held at Lahore on the 16th October 1923, at 11 A.M.

SIMLA : } MILES IRVING,

The 11th September 1923. } *Secretary to the Standing Finance Committee.*

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PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 15th October 1923.

No. 38.—The following proceedings of a meeting of the Public Accounts Committee of the Punjab Legislative Council are published for general information :—

ABNASHA SINGH,
Secretary, Legislative Council.

Proceedings of a meeting of the Public Accounts Committee of the Punjab Legislative Council held on Tuesday and Wednesday the 17th and 18th July 1923, in the Committee Room of the Punjab Civil Secretariat at Ellerslie, Simla-E.

PRESENT :

1. The Hon'ble Mr. R. A. Mant, C.S.I. —*Chairman.*

Members.

2. The Hon'ble Lala Harkishan Lal.
3. Mr. Miles Irving, O.B.E., I.C.S., M.L.C.
4. Lala Kesho Ram, M.L.C.
5. Sayad Ghulam Muhammad Shah, M.L.C.
6. Sardar Dasaundha Singh, M.L.C.
7. Chaudhri Kharak Singh, M.L.C.
8. Mr. K. L. Rallia Ram, M.L.C.
9. Mr. Nawab Din Murad, M.L.C.

Sir Frederic Gauntlett, K.B.E., C.I.E., I.C.S., Auditor-General and Mr. G. Kaula, Accountant-General, Punjab, were present by invitation.

1. Proceedings of the last meeting were confirmed.

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2. **Agendum 1.**—*Appropriation Report on the Accounts of the Punjab for the year 1921-22.*

It was resolved that the matter should be deferred for consideration at a subsequent meeting after the rules contained in the Budget Manual had been circulated to members of the Committee.

3. **Agendum 2.**—*Case of double draft of travelling allowance by a Member of the Legislative Council mentioned in paragraph 9 of the Audit Report for 1921-22.*

The Committee accepted the explanation, of the gentleman concerned, but considered that the occurrence should be brought to the notice of the Council.

4. **Agendum 3.**—*Temporary appointments made from an earlier date against posts provided for in the increased cadre of the Indian Service of Engineers sanctioned with effect from 10th December 1921.*

The Committee thought no further action necessary.

5. **Agendum 4.**—*Financial irregularities in the financial year 1922-23 in connection with the Talwara Saw Mill project.*

The Committee resolved that the Forest Department should be asked to give an explanation of the irregularities reported with a full statement of the whole case for the information of the Committee, in order to enable it to deal with the case.

6. **Agendum 5.**—*Advances made by a Deputy Conservator of Forests to the lessor of a forest without authority.*

The Committee considered that no further action was necessary except that the Accountant-General should be asked to verify the fact that the recoveries have been made.

7. **Agendum 6.**—*Subsidiary rules framed by the Punjab Government under Fundamental Rule 101 regarding the grant of maternity and hospital leave.*

The Committee asked that further information should be furnished on the subject after enquiring the practice of other Local Governments.

8. **Agendum 7.**—*Overdraft of grain compensation allowance by subordinate Police establishment, Ferozepore.*

The Accountant-General having reported that disciplinary action had been taken in respect of the failure of audit, the Committee considered that no further action was required.

9. **Agendum 8.**—*Excess expenditure incurred in making structural alterations in the Multan Jail without administrative approval.*

The Committee recommended that no further action be taken.

10. **Agendum 9.**—*Expenditure incurred in carrying out alterations in the District Court building at Simla.*

Mr. Rallia Ram and Chaudhri Kharak Singh were asked to accompany the Executive Engineer and inspect the work actually done and report to the Committee.

11. **Agendum 10.**—*Starting of certain works to provide for extra prisoners in the Attock and Campbellpur Jails before estimate of cost had been prepared and administrative approval obtained.*

The Committee considered no further action necessary.

12. **Agendum 11.**—*The Accountant-General's objection to the temporary appointment of Mr. E. Tydeman to the Indian Educational Service.*

The Finance Department was asked to enquire whether the facts were brought before the Secretary of State and condoned by him.

13. **Agendum 12.**—*Irregularities in connection with the purchase of a second engine for the Experimental Farm at Kahuta.*

The Hon'ble Minister for Agriculture was asked to enquire into the case and report to the Committee.

14. The Committee decided to re-assemble on September 18th at **11 A.M.**

SIMLA:
The 18th July 1923.

MILES IRVING,
Secretary to Government, Punjab,
Finance Department.

909 P. G.—680—19-10-23—SGPP Lahore.

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PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 20th October 1923.

No. 39.—The following report of the Select Committee on the Punjab Fisheries (Amendment) Bill is published under Standing Order 41 (1) of the Punjab Legislative Council Standing Orders.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

Report of the Select Committee on the Punjab Fisheries (Amendment) Bill.

We the members of the Select Committee to which the Punjab Fisheries (Amendment) Bill was referred having met on the 29th June 1923, with the exception of the Hon'ble Minister for Agriculture and Malik Firoz Khan, Noon, who were unable to attend, present our report as follows :—

1. In clause 3 to sub-section (1) of the proposed new section 2-A should be added the following proviso :—

"Provided that no police officer below the rank of Sub-Inspector shall be so empowered."

2. Clauses 4 and 5 should be omitted and clause 6 should be re-numbered 4.

3. In clause 6 now re-numbered 4 in clause (*a*) of sub-section (1) of the proposed new section 8 for the words "against whom a reasonable suspicion exists" the following words should be substituted—namely—"concerning whom evidence exists which if unrebutted would prove" and for the words "which such person is suspected to have committed" the following words should be substituted—namely—"with regard to which such evidence exists" and for the words "the suspected" between the word "officer" and the word "person" the word "such" should be substituted.

4. In the Schedule, article 2 should be omitted and articles 3, 4 and 5 hould be re-numbered 2, 3 and 4, respectively.

The Committee were of opinion that the alterations herein recommended are not of sufficient importance or extent to necessitate the republishing of the Bill. A copy of the amended Bill is annexed.

MUHARRAM ALI, CHISHTI.
GANPAT RAI.
MOTI LAL, KAISTHA.
KARTAR SINGH.
MANOHAR LAL.
H. P. TOLLINTON.
N. HANCOCK PRENTER.

SIMLA:
The 4th July 1923.

ANNEXURE TO THE REPORT.

Bill as introduced in the Council on the 28th of February 1923.

A Bill to amend the Punjab Fisheries Act, 1914.

Preamble.

WHEREAS it is expedient to amend the Punjab Fisheries Act, 1914, in the manner hereinafter appearing, it is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Punjab Fisheries (Amendment) Act, 192 .

(2) It shall come into force on such date as the Local Government may by notification appoint in this behalf.

Number of sections.

2. The sections referred to by number hereinafter mean the sections as so numbered in the Punjab Fisheries Act, 1914, unless it appear to the contrary.

New section.

3. After section 2 the following new section shall be inserted namely:—

Definitions.

2-A. In this Act, unless there is anything repugnant in the subject or context—

(*1*) "Fishery Officer" means any person whom the Local Government or any officer empowered by the Local Government in this behalf may from time to time appoint by name, or as holding an office, to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Fishery Officer.

(2) "Fishing offence" means an offence punishable under this Act or under any rule made thereunder.

Bill as amended by the Select Committee.

[THE AMENDMENTS MADE ARE SHOWN IN *ITALICS*.]

An Act to amend the Punjab Fisheries Act, 1914.

Preamble.

WHEREAS it is expedient to amend the Punjab Fisheries Act, 1914, in the manner hereinafter appearing, it is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Punjab Fisheries (Amendment) Act, *1923.*

(2) It shall come into force on such date as the Local Government may by notification appoint in this behalf.

Number of sections.

2. The sections referred to by number hereinafter mean the sections as so numbered in the Punjab Fisheries Act, 1914, unless it appear to the contrary.

New section.

3. After section 2 the following new section shall be inserted, namely:—

Definitions.

2-A. In this Act, unless there is anything repugnant in the subject or context—

(*1*) "Fishery Officer" means any person whom the Local Government or any officer empowered by the Local Government in this behalf may from time to time appoint by name, or as holding an office, to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Fishery Officer.

"Provided that no Police Officer below the rank of Sub-Inspector shall be so empowered."

(2) "Fishing offence" means an offence punishable under this Act or under any rule made thereunder.

4. (*1*) In sub-section (*1*) of section 3 the words "not being private waters" between the words "the waters" and the word "to" shall be omitted.

Amendment of section 3.

(*2*) In the same section sub-section (*2*) shall be omitted, and the subsequent sub-sections shall be renumbered (*2*), (*3*) and (*4*) respectively.

(*3*) To sub-section (*2*) as renumbered of the same section shall be added the following proviso, namely :—

Provided that no rule made under clause (*a*) of this sub-section shall be applied to any private water, and no rule made under clause (*b*) or clause (*c*) of this sub-section shall be applied to any private water which is permanently detached from public waters or in which no spawning usually takes place, without the consent in writing of the owner thereof or of any person having for the time being any exclusive right of fishing therein.

5. In section 4 for the words, figures and letters "section (3), (3) (*b*) and (*c*)" shall be substituted the words, figures and letters "clauses (*b*) and (*c*) of sub-section (2) of section (3)."

Amendment of section 4.

6. After section 7 the following new section shall be added, namely :—

New section.

8. (*1*) The Local Government may by notification empower a fishery officer by name or as holding an office—

Power to compound certain offences.

(*a*) to accept from any person against whom a reasonable suspicion exists that he has committed any fishing offence as described in the first column of the Schedule a sum of money by way of compensation for the offence which such person is suspected to have committed, and on the payment of such sum to such officer the suspected person if in custody shall be discharged and no futher proceedings shall be taken against him.

(*b*) when any property has been seized as liable to confiscation, to release the same without further payment, or on payment of the value thereof as estimated by such officer, and on the payment of such value such property shall be released and no further proceedings shall be taken in respect thereof.

(*2*) The sum of money acceptable as compensation under clause (*a*) of sub-section (*1*) shall in no case exceed the amount mentioned in the second column of the Schedule as the amount acceptable as compensation for the particular offence described in the first column of the Schedule.

4. After section 7 the following new section shall be added, namely :—

New section.

8. (*1*) The Local Government may by notification empower a fishery officer by name or as holding an office—

Power to compound certain offences.

(*a*) to accept from any person ***concerning whom evidence exists which if unrebutted would prove*** that he has committed any fishing offence as described in the first column of the Schedule a sum of money by way of compensation for the offence ***with regard to which such evidence exists*** and on the payment of such sum to such officer ***such*** person if in custody shall be discharged and no further proceedings shall be taken against him.

(*b*) when any property has been seized as liable to confiscation, to release the same without further payment, or on payment of the value thereof as estimated by such officer, and on the payment of such value such property shall be released and no further proceedings shall be taken in respect thereof.

(*2*) The sum of money acceptable as compensation under clause (*a*) of sub-section (*1*) shall in no case exceed the amount mentioned in the second column of the Schedule as the amount acceptable as compensation for the particular offence described in the first column of the Schedule.

THE SCHEDULE.

See section 8.

Maximum amounts acceptable as compensation for certain fishing offences under section 8.

Description of offence.	Maximum amount acceptable as compensation.
1. Fishing with a net having a smaller mesh than that prescribed under the rules made under the Act.	Rupees ten.
2 Damming a stream	Rupees ten.
3. Fishing without a license ...	Rupees ten.
4. Killing fish of a size or weight less than the standard prescribed under this Act.	Rupees ten.
5. Killing any fish of a prohibited species during a close season.	Rupees ten.

THE SCHEDULE.

(See Section 8.)

Maximum amounts acceptable as compensation for certain fishing offences under section 8.

Description of offence.	Maximum amount acceptable as compensation.
1. Fishing with a net having a smaller mesh than that prescribed under the rules made under the Act.	Rupees ten.
2. Fishing without a license ...	Rupees ten.
3. Killing fish of a size or weight less than the standard prescribed under this Act.	Rupees ten.
4. Killing any fish of a prohibited species during a close season.	Rupees ten.

N. HANCOCK PRENTER,

Secretary to Government, Punjab,

Legislative Department.

LAHORE:

The 24th July 1923.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

Registered No. L. 884.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 2, 1923.

PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 25th October 1923.

No. 40.—The following report of the Select Committee on the Punjab Opium Smoking Bill is published under Standing Order 44 (1) of the Punjab Legislative Council Standing Orders.

ABNASHA SINGH,

Secretary, Legislative Council.

Report of the Select Committee on the Punjab Opium Smoking Bill.

WE, the members of the Select Committee appointed to report on the Punjab Opium Smoking Bill, met on the 21st October 1923 with the exception of Sardar Kartar Singh, who was unable to attend. Having considered the various amendments suggested we beg to submit our report as follows :—

(1) In sub-clause (*b*) of clause 2 between the word "booth" and the word "tent" should be inserted the word "chappar."

(2) In clause 5 for the word "or" after the word "opium" in the first line should be substituted the word "and."

(3) In clause 10 after the words "District Magistrate" should be inserted the words "or Sub-Divisional Magistrate."

(4) In clause 12 for the words "within forty-eight hours next after such arrest or seizure make a full report of all particulars thereof to his immediate official superior; and every person arrested and thing seized shall be forwarded without delay to the officer by whom the warrant was issued, or to the nearest police station" the words "without delay and in any case

within forty-eight hours forward every person arrested and everything seized with a full report of all particulars of the arrest or seizure to the Magistrate by whom the warrant was issued" should be substituted.

(5) In clause 14 the words "Salt, Customs" should be omitted.

(6) The committee are of opinion that the changes made are not of sufficient importance to necessitate the republication of the Bill. The Bill was originally published on the 7th September 1923. A copy of the Bill as amended by us is annexed to this report.

HARI CHAND.
N. D. MURAD.
K. L. RALLIA RAM.
HARKISHAN LAL.
C. M. KING.
J. COLDSTREAM.

LAHORE:
The 22nd October 1923.

ANNEXURE TO THE REPORT.

[Bill as introduced in the Council on the 20th of October 1923.]

A Bill to provide for the control of the practice of opium-smoking in the towns of the Punjab.

WHEREAS it is desirable to control the practice of opium-smoking and to prevent the assembling of persons for the purpose of opium-smoking; and whereas the previous sanction of the Governor-General under sub-section (3) of section 80-A of the Government of India Act has been obtained;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Punjab Opium-Smoking Act, 192 .

(2) It extends to all municipalities and cantonments in the Punjab.

(3) It shall come into force on such date as the Local Government may by notification appoint in this behalf.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(a) "Opium" means chandu, madak, and every other preparation or admixture of opium which may be used for smoking.

(b) "Place" includes a building, house, shop, booth, tent, vessel, raft and vehicle and any part thereof.

Opium-smoking assembly.

3. An assembly of three or more persons is designated an opium-smoking assembly if the common object of the persons composing that assembly is to smoke opium or to prepare opium for smoking purposes.

Bill as amended by the Select Committee

[THE AMENDMENTS MADE ARE SHOWN IN *ITALICS.*]

An Act to provide for the control of the practice of opium-smoking in the towns of the Punjab.

WHEREAS it is desirable to control the practice of opium-smoking and to prevent the assembling of persons for the purpose of opium-smoking; and whereas the previous sanction of the Governor-General under sub-section (3) of section 80-A of the Government of India Act has been obtained; it is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Punjab Opium-Smoking Act, *1923*.

(2) It extends to all municipalities and cantonments in the Punjab.

(3) It shall come into force on such date as the Local Government may by notification appoint in this behalf.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(a) "Opium" means chandu, madak, and every other preparation or admixture of opium which may be used for smoking.

(b) "Place" includes a building, house, shop, booth, *chappar*, tent, vessel, raft and vehicle and any part thereof.

Opium-smoking assembly.

3. An assembly of three or more persons is designated an opium-smoking assembly if the common object of the persons composing that assembly is to smoke opium or to prepare opium for smoking purposes.

Explanation.—An assembly which was not an opium-smoking assembly when it assembled may subsequently become such an assembly.

Member of opium-smoking assembly.

4. Whoever, being aware of facts which render an assembly an opium-smoking assembly, intentionally joins that assembly or continues therein is said to be a member of that assembly.

Presumption raised by presence of opium or opium-smoking appliances.

5. The presence of any opium or of any pipes for the smoking of opium or of any apparatus used in the preparation of opium in any place where three or more persons are assembled shall be held sufficient to raise a presumption that each member of such assembly is present at such place for the purpose of smoking opium or of preparing opium for smoking purposes.

Penalty for being member of opium-smoking assembly.

6. Whoever is a member of an opium-smoking assembly shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for opening, keeping or having charge of place used for such assembly.

7. Whoever opens, keeps or uses any place, or permits any place to be opened, kept or used, for the purposes of an opium-smoking assembly, or has the care or management of, or in any way assists in conducting the business of, any place used or kept for the purposes aforesaid shall be punished with imprisonment for a term which may extend to six months, or with fine, which may extend to one thousand rupees, or with both.

Penalty when owner fails to give notice of use of place for such assembly.

8. Whoever, being the owner of any place, and knowing or having reason to believe that such place, whether in his actual occupation or otherwise, is being or is about to be, used for the purposes of an opium-smoking assembly fails, either himself or through his agent or manager, to give the earliest possible notice of such knowledge or belief to the Collector or to the officer in charge of the nearest police station or to an Excise Officer, shall be punished with a fine which may extend to five hundred rupees.

Enhancement of punishment on second conviction.

9. Whoever, having been previously convicted of an offence under sections 6, 7 or 8, is again convicted of an offence under this Act, shall be liable on such subsequent conviction to an enhanced punishment not exceeding twice the amount which might be imposed on a first conviction for such offence.

Search warrants and powers to search.

10. If a District Magistrate, upon information received and after such inquiry (if any) as he considers necessary, has reason to believe that any place is being, or is likely to be, used for the purposes of an

Explanation.—An assembly which was not an opium-smoking assembly when it assembled may subsequently become such an assembly.

Member of opium-smoking assembly.

4. Whoever, being aware of facts which render an assembly an opium-smoking assembly, intentionally joins that assembly or continues therein is said to be a member of that assembly.

Presumption raised by presence of opium or opium-smoking appliances.

5. The presence of any opium and of any pipes for the smoking of opium or of any apparatus used in the preparation of opium in any place where three or more persons are assembled shall be held sufficient to raise a presumption that each member of such assembly is present at such place for the purpose of smoking opium or of preparing opium for smoking purposes.

Penalty for being member of opium-smoking assembly.

6. Whoever is a member of an opium-smoking assembly shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.

Penalty for opening, keeping or having charge of place used for such assembly.

7. Whoever opens, keeps or uses any place, or permits any place to be opened, kept or used, for the purposes of an opium-smoking assembly, or has the care or management of, or in any way assists in conducting the business of, any place used or kept for the purposes aforesaid shall be punished with imprisonment for a term which may extend to six months, or with fine, which may extend to one thousand rupees, or with both.

Penalty when owner fails to give notice of use of place for such assembly.

8. Whoever, being the owner of any place, and knowing or having reason to believe that such place, whether in his actual occupation or otherwise, is being or is about to be, used for the purposes of an opium-smoking assembly fails, either himself or through his agent or manager, to give the earliest possible notice of such knowledge or belief to the Collector or to the officer in charge of the nearest police station or to an Excise Officer, shall be punished with a fine which may extend to five hundred rupees.

Enhancement of punishment on second conviction.

9. Whoever, having been previously convicted of an offence under sections 6, 7 or 8, is again convicted of an offence under this Act, shall be liable on such subsequent conviction to an enhanced punishment not exceeding twice the amount which might be imposed on a first conviction for such offence.

Search warrants and powers to search.

10. If a District Magistrate or *Sub-Divisional Magistrate* upon information received and after such inquiry (if any) as he considers necessary, has reason to believe that any place is being, or is likely to be, used

opium-smoking assembly, he may issue a warrant to an officer of the Excise Department, not below the rank of an Inspector, authorising him—

(a) to enter such place by day or night with any persons whose assistance such officer may consider necessary;

(b) to search all parts of such place in which such officer has reason to believe that any opium or any appliance for the preparation of opium or for opium-smoking is concealed and all or any persons whom he may find in such place;

(c) to arrest all persons whom such officer may find in such place, whether they are actually engaged in smoking opium or not;

(d) to seize all opium and appliances for opium-smoking or for the manufacture of opium which may be found in such place.

Application of the Code of Criminal Procedure, 1898, to warrants and searches.

11. The provisions of the Code of Criminal Procedure, 1898, shall apply to the execution of warrants and to searches made under the foregoing section.

Report to be made in case of arrest or seizure.

12. Whenever any officer makes any arrest or seizure under this Act, he shall, within forty-eight hours next after such arrest or seizure, make a full report of all particulars thereof to his immediate official superior; and every person arrested and thing seized shall be forwarded without delay to the officer by whom the warrant was issued, or to the nearest police station.

Bail and Security.

13. When any person arrested under this Act is prepared to furnish bail he shall be released on bail or, at the discretion of the officer making the arrest, on his own bond.

Aid to Excise Officers.

14. Every officer of the Police, Salt, Customs and Land Revenue Departments shall be bound to give reasonable aid to any Excise Officer in carrying out the provisions of this Act upon notice given and request made.

Confiscation and destruction of opium and things seized.

15. On the conviction of any person for an offence under this Act the Court may order that any opium or any instrument or appliance in respect of, or by means of, which such offence has been committed, or any receptacle, package or covering in which such opium, instrument or appliance was found, and any other contents of such receptacle, package or covering, shall be confiscated or destroyed.

Offences to be triable by first class Magistrates only.

16. No Magistrate other than a Magistrate of the first class shall try any offence punishable under this Act.

for the purposes of an opium-smoking assembly, he may issue a warrant to an officer of the Excise Department, not below the rank of an Inspector, authorising him—

(a) to enter such place by day or night with any persons whose assistance such officer may consider necessary;

(b) to search all parts of such place in which such officer has reason to believe that any opium or any appliance for the preparation of opium or for opium-smoking is concealed and all or any persons whom he may find in such place;

(c) to arrest all persons whom such officer may find in such place, whether they are actually engaged in smoking opium or not;

(d) to seize all opium and appliances for opium-smoking or for the manufacture of opium which may be found in such place.

Application of the Code of Criminal Procedure, 1898, to warrants and searches.

11. The provisions of the Code of Criminal Procedure, 1898, shall apply to the execution of warrants and to searches made under the foregoing section.

Report to be made in case of arrest or seizure.

12. Whenever any officer makes any arrest or seizure under this Act, he shall *without delay and in any case within forty-eight hours forward every person arrested and everything seized with a full report of all particulars of the arrest or seizure to the Magistrate by whom the warrant was issued.*

Bail and Security.

13. When any person arrested under this Act is prepared to furnish bail he shall be released on bail or, at the discretion of the officer making the arrest, on his own bond.

Aid to Excise Officers.

14. Every officer of the Police and Land Revenue Departments shall be bound to give reasonable aid to any Excise Officer in carrying out the provisions of this Act upon notice given and request made.

Confiscation and destruction of opium and things seized.

15. On the conviction of any person for an offence under this Act the Court may order that any opium or any instrument or appliance in respect of, or by means of, which such offence has been committed, or any receptacle, package or covering in which such opium, instrument or appliance was found, and any other contents of such receptacle, package or covering, shall be confiscated or destroyed.

Offences to be triable by first class Magistrates only.

16. No Magistrate other than a Magistrate of the first class shall try any offence punishable under this Act.

17. No suit shall lie in any Civil Court against the Secretary of State for India in Council or any Excise Officer for damages for any act in good faith done or ordered to be done in pursuance of this Act. *(Bar of certain suits.)*	17. No suit shall lie in any Civil Court against the Secretary of State for India in Council or any Excise Officer for damages for any act in good faith done or ordered to be done in pursuance of this Act. *(Bar of certain suits.)*
18. (*1*) The Local Government may make rules to carry out the objects of this Act. *(Power to make rules.)*	18. (*1*) The Local Government may make rules to carry out the objects of this Act. *(Power to make rules.)*
(2) In particular and without prejudice to the generality of the foregoing power such rules may—	(2) In particular and without prejudice to the generality of the foregoing power such rules may—
(*a*) regulate the disposal of things confiscated under this Act,	(*a*) regulate the disposal of things confiscated under this Act,
(*b*) prescribe and regulate the payment of rewards out of fines imposed under this Act.	(*b*) prescribe and regulate the payment of rewards out of fines imposed under this Act.

J. COLDSTREAM,

Secretary to Government, Punjab,

Legislative Department.

LAHORE:
The 22nd October 1923.

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

The 25th October 1923.

No. 41.—The following report of the Select Committee on the Punjab Local Option Bill is published under Standing Order 44 (1) of the Punjab Legislative Council Standing Orders.

ABNASHA SINGH,
Secretary, Legislative Council.

Report of the Select Committee on the Punjab Local Option Bill

WE, the members of the Select Committee appointed to report on the Punjab Local Option Bill, met on the 21st October 1923 with the exception of Sardar Kartar Singh who was unable to attend. Having considered the various amendments suggested we beg to submit our report as follows :—

(1) In sub-clause (2) of clause 4 after the figures "192" should be inserted the figure "3".

(2) In the proviso to clause 6 between the word "distillation" and the word "of" should be inserted the words "or smuggling"; for the word "three" should be substituted the word "two"; and the words "upon application of the Empowered Local Body concerned" should be omitted.

(3) In clause 10 for the word and figures "Rs. 50" should be substituted the words "one hundred rupees."

(4) The Committee are of opinion that the changes made are not of sufficient importance to necessitate the republication of the Bill. The Bill was originally published on the 7th September 1923. A copy of the Bill as amended by us is annexed to this report.

LAHORE:
The 22nd October 1923.

PANNA LAL.
HARI CHAND.
N. D. MURAD.
E. CLARKE.
K. L. RALLIA RAM.
HARKISHAN LAL.
C. M. KING.
J. COLDSTREAM.

ANNEXURE TO THE REPORT.

[Bill as introduced in the Council on the 20th of October 1923.]

A Bill to provide for the restriction of the sale of intoxicating liquor according to the wishes of Local Bodies.

Preamble.

WHEREAS it is desirable to enable Local Bodies to restrict the sale of intoxicating liquor within certain areas, and whereas the previous sanction of the Governor-General under sub-section (3) of section 80-A of the Government of India Act has been obtained, it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Punjab Local Option Act, 192 .

(*2*) It extends to the Punjab.

(*3*) It shall come into force on such date as the Local Government may by notification appoint in this behalf.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*1*) " Liquor " has the meaning assigned to it in the Punjab Excise Act, 1914.

(*2*) " Foreign liquor " means—

(*a*) all liquor imported by sea into British India other than rectified spirit, denatured spirit and perfumed spirit ;

(*b*) all beer manufactured in India.

(*3*) " Local Body " means a District Board established under the Punjab District Boards Act, 1883, or a Municipal Committee or Notified Area Committee established or appointed under the Punjab Municipal Act, 1911, or a Small Town Committee established under the Punjab Small Towns Act, 1911.

(*4*) " Empowered Local Body " means a Local Body concerning which a declaration has been made under section 3 that it may exercise the powers therein specified.

(*5*) " Sale " includes any transfer other than by way of gift.

(*6*) " Licensed shop " means the business premises of a person licensed to sell liquor by retail under the Punjab Excise Act, 1914, as specified in the license, but does not include any of the following places in which only foreign liquor is sold, namely—

(*i*) a Club,

(*ii*) a Hotel,

(*iii*) a Restaurant Bar,

(*iv*) a Railway Refreshment Room,

(*v*) a Railway Restaurant Car.

Bill as amended by the Select Committee.

[THE AMENDMENTS MADE ARE SHOWN IN *ITALICS*.]

An Act to provide for the restriction of the sale of intoxicating liquor according to the wishes of Local Bodies.

Preamble.

WHEREAS it is desirable to enable Local Bodies to restrict the sale of intoxicating liquor within certain areas; and whereas the previous sanction of the Governor-General under sub-section (3) of section 80-A of the Government of India Act has been obtained ; it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Punjab Local Option Act, 1923.

(*2*) It extends to the Punjab.

(*3*) It shall come into force on such date as the Local Government may by notification appoint in this behalf.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*1*) " Liquor " has the meaning assigned to it in the Punjab Excise Act, 1914.

(*2*) " Foregin liquor " means—

(*a*) all liquor imported by sea into British India other than rectified spirit, denatured spirit and perfumed spirit ;

(*b*) all beer manufactured in India.

(*3*) " Local Body " means a District Board established under the Punjab District Boards Act, 1883, or a Municipal Committee or Notified Area Committee established or appointed under the Punjab Municipal Act, 1911, or a Small Town Committee established under the Punjab Small Towns Act, 1911.

(*4*) " Empowered Local Body " means a Local Body concerning which a declaration has been made under section 3 that it may exercise the powers therein specified.

(*5*) " Sale " includes any transfer other than by way of gift.

(*6*) " Licensed shop " means the business premises of a person licensed to sell liquor by retail under the Punjab Excise Act, 1914, as specified in the license, but does not include any of the following places in which only foreign liquor is sold, namely—

(*i*) a Club,

(*ii*) a Hotel,

(*iii*) a Restaurant Bar,

(*iv*) a Railway Refreshment Room,

(*v*) a Railway Restaurant Car.

(7) "Local Area" means the Area over which a Local Body has authority.

Application for extension.

3. The Local Government shall, on the application of a Local Body, within a period not exceeding three months from the date of such application, declare by notification that such Local Body may exercise the powers conferred under sections 4, 5 and 8.

CHAPTER II.

POWERS OF AN EMPOWERED LOCAL BODY.

Restriction of liquor shop.

4. (*1*) An Empowered Local Body may from time to time by resolution passed in accordance with its rules of business prescribe the maximum number of licensed shops at which liquor may be sold within its Local Area.

(*2*) Such number shall be not less, in the case of a Municipal Committee, than one-third, and in any other case, than one-half of the total number of shops licensed by the Collector for the retail vend of liquor on 31st March 192 within the limits of such Local Area.

(*3*) Such resolution shall take effect from the 1st day of April in the year next following the date on which it was passed.

Referendum.

5. (*1*) An Empowered Local Body may by resolution passed from time to time in accordance with its rules of business—

(*a*) prescribe a maximum number, which may be less than the proportion prescribed in sub-section (*2*) of section 4, of licensed shops at which liquor may be sold within its Local Area; or

(*b*) direct that liquor may not be sold at any licensed shop within such Local Area:

Provided that no such resolution shall have effect under this Act until it has been submitted by way of referendum to the registered electors of such Empowered Local Body, and has been confirmed by a two-thirds majority of the total number of such electors.

(*2*) When a resolution has been confirmed under sub-section (*1*) it shall take effect from the 1st day of April of the year next following the date of such confirmation and shall thereafter remain in force, provided that at any time such Empowered Local Body may by further resolution declare that such resolution shall cease to have effect upon the 1st day of April in the year next following the date of such further resolution, and such resolution shall accordingly cease to have effect from such date.

Resolutions to be binding on Collector.

6. Notwithstanding anything contained in the Punjab Excise Act, 1914, and the Rules made thereunder with regard to the powers and functions of the Collector under the said Act a resolution passed under

(7) "Local Area" means the Area over which a Local Body has authority.

Application for extension.

3. The Local Government shall, on the application of a Local Body, within a period not exceeding three months from the date of such application, declare by notification that such Local Body may exercise the powers conferred under sections 4, 5 and 8.

CHAPTER II.

POWERS OF AN EMPOWERED LOCAL BODY.

Restriction of liquor shop.

4. (*1*) An Empowered Local Body may from time to time by resolution passed in accordance with its rules of business prescribe the maximum number of licensed shops at which liquor may be sold within its Local Area.

(*2*) Such number shall be not less, in the case of a Municipal Committee, than one-third, and in any other case, than one-half of the total number of shops licensed by the Collector for the retail vend of liquor on 31st March *1923* within the limits of such Local Area.

(*3*) Such resolution shall take effect from the 1st day of April in the year next following the date on which it was passed.

Referendum.

5. (*1*) An Empowered Local Body may by resolution passed from time to time in accordance with its rules of business—

(*a*) prescribe a maximum number, which may be less than the proportion prescribed in sub-section (*2*) of section 4, of licensed shops at which liquor may be sold within its Local Area; or

(*b*) direct that liquor may not be sold at any licensed shop within such Local Area:

Provided that no such resolution shall have effect under this Act until it has been submitted by way of referendum to the registered electors of such Empowered Local Body, and has been confirmed by a two-thirds majority of the total number of such electors.

(2) When a resolution has been confirmed under sub-section (*1*) it shall take effect from the 1st day of April of the year next following the date of such confirmation and shall thereafter remain in force, provided that at any time such Empowered Local Body may by further resolution declare that such resolution shall cease to have effect upon the 1st day of April in the year next following the date of such further resolution, and such resolution shall accordingly cease to have effect from such date.

Resolutions to be binding on Collector.

6. Notwithstanding anything contained in the Punjab Excise Act, 1914, and the Rules made thereunder with regard to the powers and functions of the Collector under the said Act a resolution passed under

section 4 or passed and confirmed under section 5 shall be binding upon the Collector of the District in which the Local Area concerned is situated :

Provided that if the Collector is of opinion for reasons to be recorded in writing that within such local area illicit distillation of alcohol has been carried on or connived at, within the three years preceding the date of the passing of such resolution, by any of the residents of such Local Area, such resolution shall not be binding upon him, unless the Commissioner upon application of the Empowered Local Body concerned orders that it shall be so binding.

CHAPTER III.

POWER TO MAKE RULES.

By Local Government.

7. The Local Government may make rules regulating the procedure for holding a referendum under section 5.

By Local Bodies.

8. (*1*) An Empowered Local Body may make rules prescribing—

(*a*) the portions of its Local Area in which licensed shops may be situated ;

(*b*) the hours during which liquor may be sold at such shops ;

(*c*) the minimum age, which shall not exceed 18 years, of the persons who may be served with liquor at such shops.

CHAPTER IV.

FOREIGN LIQUOR.

Special provision concerning Foreign Liquor.

9. Except as hereinafter provided the provisions of this Act shall not apply to the sale of Foreign Liquor, but when an Empowered Local Body has prescribed a maximum number of licensed shops under section 4 or section 5 or has prohibited the sale of liquor under section 5, and the Local Government is satisfied that the objection of such prescription or prohibition is being evaded by the sale of Foreign Liquor in the Local Area concerned, the Local Government shall by rule made under section 58 of the Punjab Excise Act, 1914, prohibit the Collector from granting a license for the sale of Foreign Liquor in the said Local Area except in accordance with the terms of such resolutions as such Empowered Local Body may have passed or may pass in respect of country liquor, or with the special sanction of the Local Government.

section 4 or passed and confirmed under section 5 shall be binding upon the Collector of the District in which the Local Area concerned is situated :

Provided that if the Collector is of opinion for reasons to be recorded in writing that within such local area illicit distillation or *smuggling* of alcohol has been carried on or connived at, within the *two* years preceding the date of the passing of such resolution, by any of the residents of such Local Area, such resolution shall not be binding upon him, unless the Commissioner orders that it shall be so binding.

CHAPTER III.

POWER TO MAKE RULES.

By Local Government.

7. The Local Government may make rules regulating the procedure for holding a referendum under section 5.

By Local Bodies.

8. (*1*) An Empowered Local Body may make rules prescribing—

(*a*) the portions of its Local Area in which licensed shops may be situated ;

(*b*) the hours during which liquor may be sold at such shops ;

(*c*) the minimum age, which shall not exceed 18 years, of the persons who may be served with liquor at such shops.

CHAPTER IV.

FOREIGN LIQUOR.

Special provision concerning Foreign Liquor.

9. Except as hereinafter provided the provisions of this Act shall not apply to the sale of Foreign Liquor, but when an Empowered Local Body has prescribed a maximum number of licensed shops under section 4 or section 5 or has prohibited the sale of liquor under section 5, and the Local Government is satisfied that the objection of such prescription or prohibition is being evaded by the sale of Foreign Liquor in the Local Area concerned, the Local Government shall by rule made under section 58 of the Punjab Excise Act, 1914, prohibit the Collector from granting a license for the sale of Foreign Liquor in the said Local Area except in accordance with the terms of such resolutions as such Empowered Local Body may have passed or may pass in respect of country liquor, or with the special sanction of the Local Government.

CHAPTER V.

GENERAL.

10. Any person who commits a breach of any rule made under section 8 shall be punishable with a fine which may extend to Rs. 50.

Penalties.

11. Subject to the provisions of this Act the provisions of the Punjab Excise Act, 1914, and the rules made thereunder shall have full force and effect in the Local Areas of all Empowered Local Bodies.

Saving of Punjab Excise Act, 1914.

CHAPTER V.

GENERAL.

10. Any person who commits a breach of any rule made under section 8 shall be punishable with a fine which may extend to *one hundred rupees*.

Penalties.

11. Subject to the provisions of this Act the provisions of the Punjab Excise Act, 1914, and the rules made thereunder shall have full force and effect in the Local Areas of all Empowered Local Bodies.

Saving of Punjab Excise Act, 1914.

J. COLDSTREAM,

Secretary to Government, Punjab,
Legislative Department.

LAHORE:

The 22nd October 1923.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

997 PGG—630—2-11-23—SGPP Lahore.

Registered No. L. 864.

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PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 9, 1923.

PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 5th November 1923.

No. 42.—The following proceedings of the meeting of the Standing Finance Committee of the Punjab Legislative Council are published for general information:—

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

Proceedings of the meeting of the Standing Finance Committee of the Punjab Legislative Council held on Tuesday, the 16th of October, 1923, at 11 a.m., in the Committee Room of the Council Buildings at Lahore.

PRESENT:

The Hon'ble Sir JOHN MAYNARD, K.C.I.E. (*President*).

The Hon'ble Sardar Bahadur Sardar SUNDAR SINGH, MAJITHIA.

The Hon'ble Khan Bahadur Mian FAZL-I-HUSAIN.

The Hon'ble Lala HARKISHAN LAL.

Maulvi MUHARRAM ALI, Chishti, M.L.C.

Mr. GANPAT RAI, M.L.C.

Malik FIROZ KHAN, Noon, M.L.C.

Pir AKBAR ALI, M.L.C.

1. The proceedings of the last meeting were confirmed.

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2. The Committee accorded its approval to the following transfers :—

(*i*) A sum of Rs. 49,964 required for the electrification of the Mughalpura Technical College from the Head " 35-A (*c*) Industries—Industrial Education—Moghalpura Technical College " (Grant No. 18) to the Head " 41—Civil Works—Transferred—Industries " (Grant No. 21). (Agenda item No. 5.)

(*ii*) A sum of Rs. 5,00,000 on account of payment of diet and road money to witnesses from the Head " 22—General Administration—District Administration—General Establishment " (Grant No. 8) to the Head " 24—Administration of Justice—Criminal Courts " (Grant No. 9). (Agenda item No. 15.)

(*iii*) A sum of Rs. 24,704 on account of cost of Sub-Judges' Establishment from the Head " 22—General Administration—District Administration " (Grant No. 8) to the Head " 24—Administration of Justice—Civil and Sessions Courts " (Grant No. 9). (Agenda item No. 19.)

(*iv*) A sum of Rs. 1,50,000 on account of grants-in-aid for other works to new municipalities and notified areas from the Head " 41—Civil Works—Grants-in-aid " (Grant No. 21) to the Head " 47—Miscellaneous—Contributions " (Grant No. 25). (Agenda item No. 21.)

3. The Committee advised in favour of submission of token demands to the Legislative Council in respect of the following items :—

(*i*) Reappropriation of Rs. 2,450 to meet expenditure during the current financial year on account of rental of the trunk telephone line between Jullundur and Hoshiarpur under the Head " 47—Miscellaneous—Miscellaneous and Unforeseen Charges " (Grant No. 25) from the surrender of Rs. 5,000 of the provision of Rs. 10,400 for the Standing Board of Economic Enquiry under the same head. (Agenda item No. 3.)

(*ii*) Reappropriation of Rs. 30,000 for expenditure on the well-boring operations under the Head " 34—Agriculture—Agricultural Experiments—Supplies and Services " (Grant No. 17) from the grant of Rs. 1,50,000 at the disposal of the Financial Commissioner, Development, for grant-in-aid for other works to municipalities and notified areas in Canal Colonies under the Head " 41—Civil Works—Grants-in-aid—Transferred " (Grant No. 21). (Agenda item No. 6.)

(*iii*) Reappropriation of Rs. 3,500 for the Charas Establishment at Leh under the Head " 6—Excise—District Executive Establishment " (Grant No. 2) from the grant for the Sikh Gurdwaras and Shrines Act Commission under the head " 47—Miscellaneous " (Grant No. 25). (Agenda item No. 7.)

(*iv*) Reappropriation of Rs. 5,000 on account of miscellaneous contingent expenditure in connection with suppression of the Babbar Akali movement under the Head " 47—Miscellaneous—Miscellaneous and Unforeseen Charges " (Grant No. 25) to be met from the Civil Contingencies Fund (Grant No. 28) which is not to be recouped. (Agenda item No. 12.)

(*v*) Reappropriation of Rs. 10,000 for grant to the Lady Hardinge Medical College for Women, Delhi, under the Head " 32—Medical—Grants for Medical purposes " (Grant No. 15) from the grant for the purchase of Quinine under the same head. (Agenda item No. 13.)

(*vi*) Reappropriation of Rs. 1,000 to meet expenditure during the current financial year on account of the rental of the trunk telephone line between Lahore and Gujranwala under the Head "47—Miscellaneous—Miscellaneous and Unforeseen Charges" (Grant No. 25) from the provision of Rs. 5,000 under the same head to guarantee the cost of other trunk telephones. (Agenda item No. 14.)

(*vii*) Reappropriation of Rs. 18,033 to meet additional expenditure on Hydro-Electric Scheme from the Head "30—Scientific Departments" (Grant No. 12) to the Head "56-D—Hydro-Electric Scheme—Capital Expenditure" (Grant No. 32). (Agenda item No. 18.)

4. The Committee advised in favour of submission of supplementary demands to the Legislative Council in respect of the following items :—

(*i*) Expenditure of Rs. 25,000 under the Head "24—Administration of Justice—Law Officers" for services of a special Law Officer to conduct an important case (Grant No. 9). (Agenda item No. 2.)

(*ii*) Expenditure of Rs. 7,800 for Clerical Establishment of the Civil Secretariat under the Head "22—General Administration—Civil Secretariat" (Grant No. 8). (Agenda item No. 4.)

(*iii*) Expenditure of Rs. 3,000 for supply of new motor cycles to the European Inspector and Sergeant employed in controlling traffic on the Rawalpindi-Murree Road under the Head "26—Police—District Executive Force—Stores—Expenditure in England" (Grant No. 11). (Agenda item No. 9.)

(*iv*) Expenditure of Rs. 3,700 during the current financial year on account of rental of the trunk telephone line between Kalabagh and Shakardara under the Head "47—Miscellaneous—Miscellaneous and Unforeseen Charges" (Grant No. 25). (Agenda item No. 10.)

(*v*) Expenditure of Rs. 15,386 for re-arming the Levy Corps in the Dera Ghazi Khan District under the Head "26—Police—Special Police" (Grant No. 11). (Agenda item No. 11.)

(*vi*) Expenditure of Rs. 31,500 to meet the cost of independent scrutiny of the Mandi Hydro-Electric Scheme under the Head "56-D—Hydro-Electric Scheme—Capital Expenditure" (Grant No. 32). (Agenda item No. 17.)

5. With regard to the token demand in respect of the reappropriation of Rs. 1,500 to meet increase in the contract grant of the Financial Commissioners' office under the Head "22—General Administration—Financial Commissioner" (Grant No. 8) from the reserve of Rs. 3,48,000 under the Major Head "22—General Administration for Contract Contingencies", the Committee asked for further information as to how much of the expenditure is replacement and how much is new requirements. (Agenda item No. 8.)

6. The Committee asked for more information in connection with the proposed arrangement for the continuance of the Camel Specialist establishment at Sohawa without any contribution from the Government of India. Head "34—Agriculture—Veterinary Charges" (Grant No. 17). (Agenda item No. 20.)

7. (*Agenda item No.* 16).—The Committee examined Mr. W. P. Sangster, Chief Engineer, Public Works Department, Irrigation Branch, Punjab, on the question of the grant of local allowance known as jungle allowance to Temporary Engineers of the Irrigation Branch. Mr. Sangster explained that the allowance was sanctioned by the Secretary of State on the recommendation of the Government of India in their letter No. 123 of 1897 on the ground that it was necessary to give the canal officers some compensation

on account of the trying nature of their duties at all seasons of the year and the isolated and climatic conditions under which they were all liable to serve and that it was necessary to hold out an inducement to canal officers to remain on in that place and to give cheerful and contented service in the sphere of duties in which they have been placed.

Mr. Miles Irving (Financial Secretary) pointed out that it was a curious position that the jungle allowance earned in a bad station continued in a good one.

The Hon'ble Ministers were of opinion that the allowance should be made a local allowance and the number of such stations should be limited, *i.e.*, the allowance should cease when an officer is transferred from a bad station to a good one.

Mr. Ganpat Rai suggested that this allowance should be confined to construction work only.

Pir Akbar Ali was of opinion that the allowance should be discontinued altogether, in view of the fact that it was not given in other departments which felt that the Public Works Department was getting more than other branches of the Service, and in order to make them contented it would be better on principle not to give any allowance to the Public Works Department at all.

The question of the abolition of the allowance was then put to the vote and by the casting vote of the President it was decided not to abolish the allowance altogether but to retain it in certain special localities.

It was also decided that the list should be revised and put before the next meeting of the Finance Committee.

Mr. Miles Irving pointed out that it was not the intention of Government to withdraw the allowance from existing incumbents, *i.e.*, if someone had earned his jungle allowance by having been four years in a bad station he should be allowed to draw the allowance for (say) four years and then it should be discontinued.

Maulvi Muharram Ali, Chishti, observed that by this decision the Committee would be doing no service to the finances of the Province as there would be no immediate saving.

The Hon'ble Minister for Education remarked that so far as he could judge the result of the decision would be an immediate increase instead of reduction, due to the fact that it had been ruled that the officers at present in receipt of that allowance would continue to get it, and those who were not to get it for four years under the old rule would now be given an allowance from the time they were posted to a special locality.

The President explained that the intention of Government was not to affect the present recipients of the allowance. The Committee was not only thinking of the immediate future but of the distant future too.

Malik Firoz Khan, Noon, remarked that by limiting the allowance to four years there would be a saving in the long run.

The Committee then by a majority decided that the jungle allowance should be made a local allowance and that it should be discontinued after four years from the date of the qualification.

8. The examination of (*i*) the compensatory allowance and (*ii*) allowance for medical charge of the Rasul Engineering School given to the Assistant Surgeon in charge of the Canal Dispensary at Marala was left for consideration along with other similar allowances drawn by other Assistant Surgeons.

9. The examination of the duty allowance granted to the Assistant Principal, Rasul Engineering School, was then taken up. Mr. Sangster (Chief Engineer) explained that the Assistant Principal had a good deal of work to do in addition to his general duties. He belonged to the Punjab Engineering Service drawing a small pay. Apart from his ordinary work which he would

have to do he had got to prepare lectures and other administrative points in connection with this work and it would be impossible to get any one else in the ordinary line for this work unless he was paid for it.

The Hon'ble Minister for Agriculture remarked that in view of the fact that Rasul was not an inviting place the allowance should not be stopped.

It was suggested whether the allowance could not be reduced. Mr. Sangster replied that as the Professors of the Rasul Engineering College were in receipt of an allowance of Rs. 50 per mensem, it was not possible to reduce the amount in the case of the Assistant Principal.

The Committee by a majority advised in favour of retaining the allowance in question.

10. In regard to the grant of the local allowance to Assistant Engineers stationed at Simla whose pay was less than Rs. 500 per mensem, the Committee was of opinion that there ought to be a general ruling regarding the grant of special pay to Government servants stationed at Simla affecting all departments alike. The question was therefore postponed for consideration later.

11. The Committee advised in favour of the retention of the drill allowance granted to the Superintendent, Boarding-house, Engineering School, Rasul, but the examination of the grant of jungle allowance to Compounder of the School was postponed to be considered along with other similar allowances in the Medical Department.

LAHORE : } MILES IRVING,
The 22nd October 1923. } *Secretary to the Standing Finance Committee.*

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PART V.

PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 6th December 1923.

No. 43.—The following amendments to the Punjab Legislative Council Standing Orders proposed by the Punjab Legislative Council and assented to by His Excellency the Governor, are published for general information:—

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

1. *For* the existing sub-clause (2) of Standing Order 3 *substitute* the following:—

   " After the commencement of a session the Council shall sit on such days as the President, having regard to the state of business of the Council, may from time to time direct."

2. In sub-clause (2) of Standing Order 7 *for* the words " in accordance with the procedure.......................necessary or convenient " *substitute* the following: " to be held at such time and in such manner as the President may determine ; " and *cancel* Schedule I.

3. In Standing Order 19 *after* the words " is not put " *add* the following words : " either by the member himself or, in his absence, by any other member duly authorized by him."

4. In Standing Order 23 *after* the words " for leave must " *add* the words " not less than half an hour ; " and for the words " leave with the Secretary " *substitute* the words " hand to the President."

5. In Standing Order 24 *for* the word " forty " at two places in the 7th and in the 10th line *substitute* the word " twenty."

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6. At the end of sub-clause (1) of Standing Order 35 *add* the following sentence :—

"If this motion is carried, the President shall then put the question, after allowing the mover and the member of the Government to whose department the matter relates, to speak in the manner laid down in Standing Order No. 33 (3)."

7. In Standing Order 56 for the word "forty" at two places in the 6th and in the 8th line, *substitute* the word "twenty."

8. In Standing Order 73 in the first line *after* the words "to omit or reduce any" *add* the words "item in a grant or to reduce any ;" and at the end *before* the word "grant" *add* the words "item or of such."

9. *For* the existing Standing Order 5 (1) *substitute* the following :—

"5. (1) The election of the Deputy President shall take place as soon as convenient after the commencement of the first session of each Council."

10. *For* the existing Standing Order 6, *substitute* the following :—

"6. Subject to the direction of the Governor, the President shall fix the times at which the meetings of the Council shall ordinarily commence and terminate."

11. In Standing Order 24 *for* the words "or at 4 P.M., whichever is earlier" *substitute* the words "or at some other hour on the same day, or on the next day on which the Council sits, whichever is more convenient."

12. In Standing Order 25 *for* the words "by 6 P.M.," *substitute* the words "within two hours from the time at which it was commenced."

13. *Add* the following new Standing Order after Standing Order 31 :—

"31-A. A member who wishes to move a motion (other than a motion for which a period is specially prescribed) shall give, in the case of a substantive motion, at least seven clear days', and in the case of an amendment at least two clear days' notice in writing of his intention to the Secretary.

Provided that the President may, in his discretion, admit at any time any motion at shorter notice or without notice."

14. *Turn* the existing Standing Order 32 into 32 (1) and *add* to it the following :—

"32. (2) A motion once moved shall not be withdrawn without the leave of the Council.

(3) No discussion shall be permitted on a motion for leave to withdraw a motion except with the permission of the President."

15. *For* the existing Standing Order 41 (1) *substitute* the following :—

"41. (1) The member of the Government, to whose department the Bill relates, the member who introduced the Bill, the Legal Remembrancer to the Punjab Government, if he is a member of the Council, and a member of the Council, who shall be either the Deputy President or a member of the panel of Chairmen, to be nominated by the President, shall be members of every select committee."

16. *For* the second proviso of Standing Order 41 (2) *substitute* the following :—

"Provided also that if the Council is not sitting, and the matter appears to him to be urgent, the President, subject to the approval of the Council to be given at its next sitting, may appoint any member to fill any vacancy which has occurred on the committee through death, resignation, absence from India, inability to attend to duty or otherwise."

17. *For* the existing clauses (2) and (3) of Standing Order 50 *substitute* the following :—

"(2) If any amendment of the Bill is made, the President of his own motion may, and on the request of any member shall, direct that the Bill be examined by a committee consisting of the member of the Government to whose department the Bill relates, the member who introduced the Bill, the Legal Remembrancer to the Punjab Government, if he is a member of the Council, and the Deputy President or member of the panel of Chairmen nominated by the President under Standing Order 41 (1) to sit on the select committee, with orders to report what amendments of a formal or consequential character should be made in the Bill as a matter of drafting, and such report shall be presented within such period as the Council may direct.

(3) When the report has been presented, and the decision of the Council on the amendments proposed has been made, the member in charge may at once move that the Bill be passed."

18. *After* Standing Order 74 *add* the following new Standing Orders :—

"74-A. (1) As soon as may be after the commencement of each financial year, standing committees of members of the Council, to the extent shown in Schedule I, shall be constituted for the purpose of advising the Government in such matters as may be referred to them for opinion. The committees shall be known by the names given in column 1 of Schedule I."

"(2) The committees shall consist of the members shown in columns 2 to 4 of Schedule I. The member of Government in charge of the department concerned shall be an *ex-officio* member of the committee concerned. The elected members shall be elected by the non-official members of the Council according to the principle of proportionate representation by means of the single transferable vote. The nominated members shall be nominated by the Governor."

"(3) The member of Government in charge of the department concerned shall be the Chairman of the committee concerned, and in the case of an equality of votes on any matter shall have a second or casting vote."

"74-B. The proceedings of the standing committees shall not be disclosed by any member without the leave of the Chairman, and no reference to the proceedings shall be made in Council except in so far as they have been disclosed with the leave or under the orders of the Chairman."

"74-C. The President shall make regulations governing the method of election by the single transferable vote of the members of the standing committees and of the committee on public accounts."

"74-D. The President shall nominate members to fill vacancies as they occur amongst the elected members of the standing committees and of the committee on public accounts. In making his election the President shall endeavour to give representation to the group previously represented by the member whose place has to be filled."

"74-E. No member elected to serve on the Finance Committee shall be a member of the committee on public accounts, and an elected member of the committee on public accounts shall not be a member of the Finance Committee."

19. At the end *add* the following schedule :—

SCHEDULE I.

(SEE STANDING ORDERS 74-A TO 74-E.)

Name of Standing Committee.	Constitution of Standing Committee.			
	Member of Government in charge of department concerned.	Nominated members.	Elected members.	Total.
1. Finance	1	3	8	12
2. Canals	1	3	8	12
3. Jails	1	2	5	8
4. Industries	1	2	5	8
5. Co-operative Societies	1	2	5	8
6. Excise	1	2	5	8
7. Local Self-Government	1	2	6	9
8. Public Health	1	2	6	9
9. Agriculture	1	2	5	8
10. Education	1	1	8	10
11. Land Revenue...	1	3	7	11
12. Police	1	1	4	6

1251 PGG—674 —14-12-23—SGPP Lahore.